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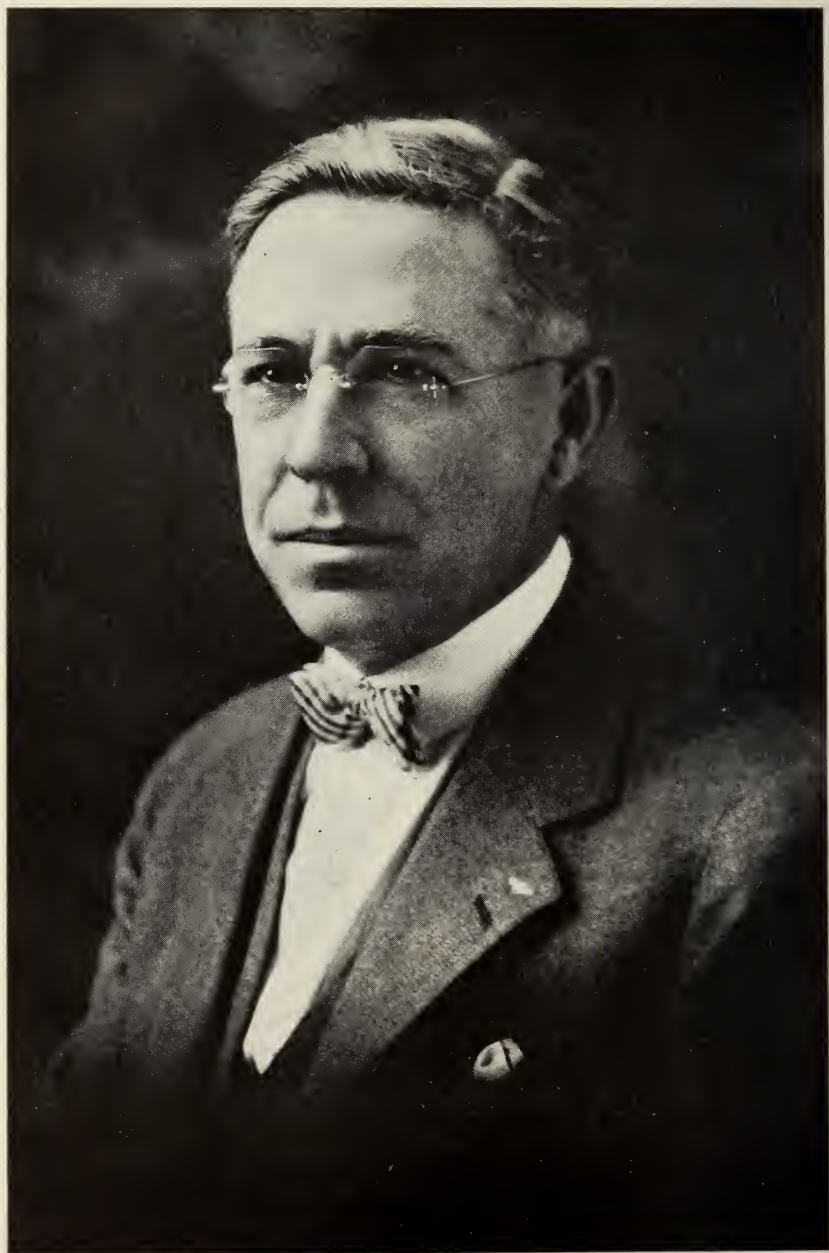
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WILMER D. NELSON
President, State Historical Society
1925-27

SOUTH DAKOTA Historical Collections

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STATE DEPARTMENT OF HISTORY

VOLUME XIII
1926

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LETTER OF TRANSMITTAL

To the Honorable Carl Gunderson,
Governor of South Dakota,
Pierre, S. D.

Sir: In compliance with Section 9882 of the South Dakota Revised Code of 1919, I have the honor to transmit herewith Volume Thirteen of the Collections of the Materials of History.

Respectfully yours,
LAWRENCE K. FOX,
Superintendent and Secretary.

Department of History,
State Historical Society.

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OFFICERS AND COMMITTEES 1925-1927

Wilmer D. Nelson	President
Fred B. Stiles	Vice-President
J. L. Driscoll	Ex-officio Treasurer
Lawrence K. Fox	Secretary

EXECUTIVE COMMITTEE

Carl Gunderson, Governor	Ex-officio
E. A. Jones, Auditor	Ex-officio
C. E. Coyne, Secretary of State	Ex-officio
Lawrence K. Fox	Secretary
Pattison F. McClure	Term ending 1927
Charles H. Burke	Term ending 1927
Fred B. Stiles	Term ending 1927
Joseph W. Parmley	Term ending 1927
Thomas L. Riggs	Term ending 1929
Charles B. Billinghamurst	Term ending 1929
Wilmer D. Nelson	Term ending 1929
Martin G. Carlisle	Term ending 1929
Charles N. Herreid	Term ending 1931
Charles E. DeLand	Term ending 1931
Irwin D. Aldrich	Term ending 1931

COMMITTEES

Finance	Coyne, Carlisle, Billinghamurst
Printing	DeLand, Aldrich, Fox
Library	Riggs, Parmley, Fox
Gallery	McClure, Burke, Herreid, Fox
Museum	Jones, Stiles, Fox

MEMBERSHIP

The State Historical Society of South Dakota was organized on January 23, 1901 and chartered as the Department of History, by act of the legislature, on February 5, 1901. (Sec. 9856 seq. Code of 1919.) It is composed of life, honorary, and corresponding members.

LIFE MEMBERS

- Ainsworth, Frank B.
Albright, Louis B., Pierre
Aldrich, Irwin D., Pierre
Anderson, Elmer William, Willow Lake
Anderson, John Q., Chamberlain
Ash, Ben C., Sioux Falls
Ashley, Edward, Aberdeen
Ayres, George V., Deadwood
Bailey, Charles Olin, sr., Sioux Falls
Baker, J. C.
Bandt, Walter W., Reville
Batterton, J. J., Sisseton
Beebe, M. Plin, Ipswich
Bennett, Cassius C.
Billinghurst, Charles B., Pierre
Boettcher, F. W.
Boisseau, O. G., Holden, Mo.
Brown, Frank A., Bison
Brown, James M., Aberdeen
Bruell, William Franklin, Redfield
Burgess, William A., Badger
Burke, Charles H., Pierre.
Burnside, Raymond A., Des Moines, Ia.
Campbell, Dwight Ezra, Pierre.
Carlisle, Martin G., Brookings
Carnegie Library, Yankton
Chamberlain, Will P., Yankton
Cheever, Walter M., Brookings.
Chilcott, Ellery C., Vienna, Va.
Christol, Carl, Vermillion
Coles, Charles Ernest, Hays, Kan.
Collins, E. E., Vermillion
Cone, Roscoe Edward, Huron
Cook, Edmund, Wilmot
Cornwell, I. Allen, Faulkton
Cottam, Gilbert Geoffrey, Sioux Falls
Coyne, C. E., Ft. Pierre
Crawford, Coe I., Huron
Crawford, Lewis F., Bismarck
Crothers, Percy R., Badger
Daley, Charles Mott, Columbia Falls, Mont.
DeLand, Charles E., Pierre.
Droppers, Garrett, Williamstown, Mass.
Duncan, Ralph E., New York, N. Y.
Dunlevy, William P., San Diego, Calif.
Dye, Ellsworth Edwin, Chamberlain
Eddy, Warren F., Lemmon
Elliott, James D., Sioux Falls
Ellison, Robert Spurrier, Casper, Wyo.
Elrod, Samuel H., Clark
Farr, Mary Noyes, Pierre
Fessenden, W. H., Wetonka
Finch, Nelson L., Broadalbin, N. Y.
Foncanon, Charles B., Aberdeen
Fox, Lawrence Keith, Pierre
Frederiksen, Peter, Howard
French, Kathryn M., Elkpoint
Frieberg, August, Beresford
Fromm, Karl, Corsica
Gaffy, Loring E., Pierre
Gage, Daniel J., Huron
Gatchell, T. J., Buffalo, Wyo.
George, Edythe Lyle, Faulkton
Gilbert, Frank M., Buffalo
Goodfellow, Ferd J.
Gossage, Joseph Brooks, Rapid City
Green, Warren Everette, Hazel
Greenburg, Daniel W., Casper, Wyo.
Gregg, John B., Sioux Falls
Gunderson, Carl, Pierre
Gunderson, Charles John, Vermillion
Guthrie, Zell, Pierre

- Haafke, William F.
 Hagg, Sven John, McLaughlin
 Hayes, John, Minneapolis, Minn.
 Hall, Henry, Washington, D. C.
 Halvorson, Herman C., Sinai
 Haney, Dick, Huron
 Hansen, Niels E., Brookings
 Hanson, Joseph Mills, Yankton
 Hedger, Samuel C., Aberdeen
 Henry, George H., Pierre
 Herreid, Charles N., Aberdeen
 Hertz, Rudolf, Eagle Butte
 Hipple, John E., Pierre
 Holbrook, Royal H., Cedar
 Rapids, Ia.
 Holm, James, Pierre
 Howard, Charles A., Aberdeen
 Howell, George Brooke, Frederick
 Hulse, John Howard, Pierre
 Hyde, Charles L., Pierre
 Johnson, Nathan P.
 Johnson, Willis E., San Diego,
 Calif.
 Jones, Buell F., Britton
 Jones, Edward Alfred, Canton
 Juttelstad, Howard Perry, Volin
 Kean, John T.
 Kinsley, Nora B., Sheridan, Wyo.
 Kirk, Simon J., Shields, N. D.
 Kleinsasser, Peter Paul, Freeman
 Keyes, W. S., San Diego, Calif.
 Lange, Morritz A., Decorah, Ia.
 Lasell George G., Ortleay
 Lasell, M. C., Aberdeen
 Lawrence, Philip, Pomona, Calif.
 Lien, Edward O., Volin
 Lindland, George, Naples
 Little, Walter F., Revillo
 Logan, John D.
 Lord, Louis K., Long Beach,
 Calif.
 Lombard, Ernest Barton, Kimball
 Lyon, William H., Sioux Falls
 Magnus, Nancy L., Webster
 Mailand, William F., Mobridge
 Marble, A. H., Cheyenne, Wyo.
 March, George Keith, Spokane,
 Wash.
 Martens, Glenn W., Pierre
 Martin, Eben W., Hot Springs
 Marvick, Andrew, Sisseton
 Masonic Grand Lodge, Sioux Falls
 Mather, Edward K., Mitchell
 McCandless, R. B., Fulton
 McClure, Pattison F., Pierre
 McKinney, Chas. E., Sioux Falls
 Mertens, John J., Gettysburg
 Metz, Ruby M., Faulkton.
 Milek, John T., Sturgis
 Morris Frank A., Rathdrum,
 Idaho.
 Mundt, William J., Pierre
 Murphy, Matthew William, Fargo,
 N. D.
 Nash, George W., Yankton
 Nelson, Thomas Rudolph, Dupree
 Nelson, Wilmer D., Pierre
 Norbeck, Peter, Redfield
 Nordness, Reinhart L., Washing-
 ton, D. C.
 Noteboom, Edward H., Selby
 Notson, Gary T., Sioux City, Ia.
 Obershaw, Henry Charles, Pierre
 Ochsenreiter, Louis G., Webster
 Parmley, Joseph W., Ipswich
 Peabody, P. D., Webster
 Pearson, Elmer, Revillo
 Perisho, Ellwood C., Guilford
 College, N. C.
 Perkins, Daniel Reese, Bison
 Person, Robert E.
 Pettigrew, Richard F., Sioux
 Falls
 Pucket, B. F., Hosmer
 Raish, John W., Pierre
 Riggs, Theodore Foster, Pierre
 Riggs, Thomas L., Oahe
 Robertson, Hastings Marshall
 Robinson, Doane, Pierre
 Robinson, Harry A., Yankton
 Robinson, Will G., Pierre.
 Roddle, W. H., Los Angeles, Calif.
 Rossman, William Edgar, High-
 more
 Rudine, A. C., Seneca
 Satterlee, Roscoe, Mitchell
 Schaller, Phil H., Sioux City, Ia.
 Schnaible, J. R., Hosmer
 Schrag, Joseph K., Freeman
 Seymour, A. H., Aberdeen
 Shade, Myron L., Mitchell
 Shearer, Ralph C., Yankton
 Sherrill, Myrtle, Deadwood.
 Shober, Howard C., Huron
 Simons, Leonard M., Belle
 Fourche
 Skaug, Julius, Mobridge
 Slagle, Robert L., Vermillion
 Smith, Fred R., Platte
 Snow, George W., Springfield
 Squire, Guy Pomeroy, Sioux Falls
 Stenning, John A., Raymond
 Stephens, James H., Springfield
 Sterling, Thomas, Washington,
 D. C.

Stevenson, C. Stanley, Cleveland, Ohio	Waggoner, Alvin, Philip
Stiles, E. S., Omaha, Nebr.	Warren, Cyrus C., Rapid City
Stiles, F. B., Watertown	Wells, W. A., Sisseton
Sutherland, John, Pierre	White, C. J., Mission Hill
Sutton, Ernest V., Pasadena, Calif.	White, George W., Kennebec
Thrall, W. Herbert, Huron	Wickre, Jacob O., Webster
Tilton, Horace G., Vermillion	Williams, David, Duluth, Minn.
TreFethren, E. B., Ipswich	Willy, Roy Earle, Platte
Trumbo, Frank, Wagner	Wipf, John J., Freeman
Turenne, R. Auzias de, Seattle, Wash.	Woolley, Birney Cooledge, Le- Mars, Ia.
Ustrud, Hans, Baltic	Wright, Dana, Jamestown, N. D.
Van Osdel, Abraham L., Mission Hill	Wright, George W., Huron

HONORARY MEMBER

Ziebach, Frank M., Wessington
Springs

CORRESPONDING MEMBERS

Buck, Solon J., St. Paul, Minn.	Sheldon, Addison E., Lincoln, Nebr.
Libby, O. G., Grand Forks, N. D.	Shoemaker, Floyd, Columbia, Mo.
Quaife, Milo M., Detroit, Mich.	Upham, Warren E., St. Paul, Minn.
Schafer, Joseph, Madison, Wis.	
Shambaugh, Benjamin F., Iowa City, Ia.	

DECEASED MEMBERS

- | | |
|---|--|
| Ainsworth, Cephas W., February 17, 1908 | Kerr, Robert F., October 17, 1921 |
| Allison, C. B., March 27, 1923 | Lavin, John, 1921 |
| Armstrong, Moses K., January 11, 1906 | Lincoln, Isaac, July 23, 1921 |
| Beebe, Marcus P., April 11, 1914 | Lloyd, David E., May 23, 1923 |
| Berg, Otto C., August 1, 1905 | Nash, Newman C., February 8, 1905 |
| Brauch, Emiel, November 24, 1912. | O'Flaherty, Colman E., October 1, 1918 |
| Brown, Samuel J., 1925 | O'Gorman, Thomas, September 18, 1921 |
| Bullock, Seth, September 29, 1919 | Pyle, John L., February 21, 1902 |
| Chouteau, Pierre, 1911 | Reeves, James D., September 29, 1914 |
| Covey, Claude C., March 31, 1923 | Robinson, DeLorme W., September 26, 1910 |
| Crane, Frank, August 11, 1916 | Schamber, John, December 24, 1923 |
| Cummins, Burton A., January 2, 1922 | Schellenger, George J., October 9, 1913 |
| Dewell, Samuel G., November 8, 1916 | Shanafelt, Thomas M., August 17, 1909 |
| Eastman, David, September 6, 1923 | Smith, Richard L., 1914 |
| Ellerman, Herman, February 12, 1926 | Snow, Mrs. Alberta Mead, April 28, 1912 |
| Farr, Edward P., November 29, 1923 | Spafford, Frederick A., March 3, 1922 |
| Gamble, Robert J., September 22, 1924 | Swenson, O. S., October 29, 1916 |
| Goddard, Thomas M., February 3, 1917 | Warner, Ernest J., 1917 |
| Gold, Sidney R., March 6, 1905 | Westdahl, John, April 7, 1913 |
| Green, Joseph M., July 6, 1908 | Williamson, John Poage, October 4, 1917 |
| Halley, James, February 27, 1920 | Wilson, E. H., June 19, 1921 |
| Kennedy, Charles B., August 21, 1917 | |

BIENNIAL MEETING

Pursuant to statute the Twelfth Biennial Meeting of the South Dakota State Historical Society was held in the House of Representatives in the Capitol, Wednesday evening, January 21, 1925, at 8 p. m., a quorum being present. The president, Hon. Charles N. Herreid, presided, assisted by Governor Carl Gunderson.

The invocation was offered by Rev. L. R. Tagg, Representative from Aurora County. On motion of M. G. Carlisle, the chair appointed a committee consisting of Messrs. Carlisle, Perkins and Parmley to report candidates to fill three positions vacant upon the Executive Committee at the conclusion of the program. The president spoke at some length upon the "Pioneers of Dakota" and introduced Professor Henry Onsgard, of the Northern Normal and Industrial School, who delivered an oration upon "The Romance of the Black Hills." Both addresses appear in Volume XIII of the Collections.

The Committee on nominations reported Charles E. DeLand, Irwin D. Aldrich and Charles N. Herreid for members of the Executive Committee to succeed themselves for the term ending January, 1931. No other nominations being made the report of the committee was unanimously adopted. The meeting closed with a benediction by Rev. Carroll D. Erskine, Senator from Meade County.

DOANE ROBINSON,
Secretary.

MINUTES OF THE EXECUTIVE COMMITTEE MEETING

At the close of the Twelfth Biennial Meeting of the State Historical Society, the members of the Executive Committee met for re-organization and other regular business. Members present: Messrs. Aldrich, Billingshurst, Carlisle, DeLand, Herreid, Nelson, McClure, Parmley, and Riggs, together with Secretary of State Coyne, State Auditor Jones, and Secretary Robinson.

The minutes of the last meeting were read and approved. The report of the secretary upon the affairs of the society during the last bi-ennium was submitted as follows:

To the Executive Committee:

There has been no change in the staff since the last meeting, and at the outset I wish to commend each member for fidelity, industry and intelligent co-operation in the conduct of the affairs of the institution. Without this co-operation it would have been quite impossible to have carried on in any satisfactory way. Mr. Lawrence K. Fox, assistant superintendent, possesses an equipment of scholarship and mental attributes peculiarly adapted to the work of the society. Miss Theo Anding, as legislative reference librarian, has developed a resourcefulness that has kept that division of the work quite up to the high standard given it by her sister during her long occupancy of the position. Mrs. Lola Adams who has charge of the newspaper section and South Dakota material has rendered entirely acceptable service.

With the limited staff and crowded quarters our activities have necessarily been confined to the current and never ceasing daily demands of the public, with little time or opportunity for new exploits. The last session made the department the custodian of the records of the Soldiers' Compensation Board, and so we fell heir to the unfinished work of that department. This has involved a great burden of labor which has been cheerfully performed by Mr. Fox in the interest of his army comrades. Without stenographic assistance the staff has written more than 8,000 letters during the last fiscal year.

The preparation of the copy and proof reading of the twelfth volume of our Collections of the materials of history has been a large demand upon the time of Mr. Fox and the superintendent. The latter during the calendar years 1923 and 1924 delivered many public addresses. For a large number of these, original papers were produced; the substantial portion of which has been included in the twelfth volume.

We have prepared and superintended the printing of the material of the fourth state census to be taken in this year. This involves about one million pieces of printed matter.

The secretary attended the meeting of the Mississippi Valley Historical Association at Oklahoma City in April 1923, but was compelled to forego the session of 1924 at Louisville.

The following is a statement of the receipts and disbursements in the society's cash fund for the last biennium: Balance at last meeting\$ 207.73

Receipts:

From sale of books\$ 51.35

From membership fees 280.00

Total receipts\$ 331.35

Total cash \$539.08

Disbursements:

Trip to Oklahoma City\$139.82

Index to N. E. Register 90.00

Ree Indian Coll. 100.00 \$ 329.82

Balance on hand January 21, 1925\$ 209.26

For the current biennium the appropriations made by the legislature for the support of our work are as follows:

1923-4 Salary and expense\$8,580.00

1924-5 Salary and expense 8,580.00

For preliminary expense 4th state census\$1,500.00

Important accessions have been made to the library, museum and gallery, the most important of which perhaps is the completion of the New England Historical and Genealogical Register, with the great four volume index thereto;

the practically complete Pennsylvania Archives, and much local history covering important sections of the country. The oil portraits of Dr. Frederick A. Spafford, Dr. Joseph Ward, and Hon. John H. King, are notable additions to the gallery.

There is now pending in the legislature a bill providing for the erection of the long delayed memorial to the veterans of the World War. The bill has the support of the American Legion and if it becomes a law will provide quarters for the Department of History. At this time it is not possible to anticipate legislative action.

Faithfully,

DOANE ROBINSON.

After the reading of the secretary's report, the Committee was re-organized by the due election of Wilmer D. Nelson for president and Fred B. Stiles for vice-president for the term ending January, 1927.

The following persons, having paid the legal fee and made formal application for membership, were duly elected life members upon recommendation of the secretary:

Walter W. Bandt, Revillo
Dwight E. Campbell, Aberdeen
G. G. Cottam, Sioux Falls
E. E. Dye, Chamberlain
R. S. Ellison, Casper, Wyo.
Lawrence Keith Fox, Pierre
C. J. Gunderson, Vermillion
Zell Guthrie, Pierre
Henry Hall, Washington, D. C.
Herman Halvorson, Sinai
Edward A. Jones, Canton
E. O. Lien, Volin
Walter F. Little, Revillo
W. H. Lyon, Sioux Falls
William F. Mailand, Mobridge
John T. Milek, Sturgis
Peter Norbeck, Redfield
Elmer Pearson, Revillo
R. F. Pettigrew, Sioux Falls

Leonard M. Simons, Belle Fourche

John A. Stenning, Raymond

Ernest V. Sutton, Pasadena, Calif.

Birney C. Woolley, LeMars, Ia.

Dana Wright, Jamestown, N. Dak.

During the last two years the society lost seven members by death—C. B. Allison, Claude C. Covey, David Eastman, Edward P. Farr, Robert J. Gamble, David E. Lloyd and John Schamber.

A committee consisting of Messrs. Nelson, Riggs, and Robinson was appointed to take such action as conditions justify in the matter of a monument on Verendrye Hill.

A committee consisting of Messrs. Nelson, Riggs, and Robinson was duly appointed in relation to a monument to Sa-ka-ka-wea.

Following an extended discussion of the affairs and policy of the society, the Committee adjourned.

DOANE ROBINSON,

Secretary.

THE PIONEERS OF DAKOTA*

It was the morning of a perfect day. At sunrise the train crossed the line between Minnesota and Dakota. Eager to see "the promised land," I stationed myself on the rear platform of the train. I stood enraptured, gazing at the boundless plain. I was looking at the heart of the prairie region of North America. From sunrise to sunset I stood spellbound. I spent my first night in Dakota thinking of the immensity of the vast area beckoning to the adventurous spirits of my native state and other states, to come! I heard—"the first low wash of waves where soon shall roll a human sea."

On January 8, 1901, it was my privilege to address the legislature of our state. I said:

"The time has arrived when the state should encourage the incorporation of a State Historical society by making a reasonable appropriation for the work of such an organization." To the Honorable Doane Robinson belongs the credit for projecting this organization.

The bill providing for the Department of History was signed February 5, 1901. Under the able and faithful guidance of its Secretary this department with great diligence and care has gathered and preserved for future generations a mass of most valuable data, much of it pertaining to the people whose occupancy of the Dakotas antedates the earliest adventures of white men. With sympathetic enthusiasm, so essential to success, this work has been going forward with masterful accomplishments.

From the beginning of the settlements in the great valleys of the Mississippi and Missouri and on the prairie plains, great political and industrial movements affecting the foundations of established order have originated and been agitated by the pioneer people from Canada to Kansas. I need not enumerate the great leaders in these movements nor the measures as they loom large upon the pages of American history.

*Presidential address delivered by Charles N. Herreid, of Aberdeen, S. D., before the South Dakota Historical Society at Pierre, S. D., January 21, 1925.

In considering the progress of a nation emphasis must be placed on geographic location, soil, climate, and character of population. I shall only mention a few facts, about our pioneering people, the other elements of greatness being well known and conceded.

Brooks Adams, a great thinker and writer, twenty years ago, said:

"The seat of energy has migrated from Europe to America."

Who migrated from Europe? And why?

It must be conceded that the men and women who came either directly to Dakota, or after a sojourn in other states, were physically and mentally among the most vigorous and best from their respective communities. They were a religious people. Principles which we recognize as fundamentals of democracy were a part of the very fibre of their being. They were famishing not only for better economic conditions but yearning for liberty, for the blessings of education, equality before the law, for good government. They reverently knew the Ten Commandments. Of these people, like the Pilgrims, it may be said:

"Laws, freedom, truth, and faith in God came with those exiles o'er the sea."

While immigration from Northern Europe was common a hundred years ago the avalanche began with the political upheavals when the whole world was trembling at the dawn of a new era. Louis Philippe was dethroned. Mazzini was pleading for liberty. Metternich was forced to flee and Ferdinand the emperor, to abdicate. The fires of freedom were seen from the Mediterranean to the North Cape. By the thousands, from the ranks of the middle classes who refused to be slaves, they were fleeing to America, "the land of the free," and the wilderness of the Northwest literally became "the home of the brave."

A writer, picturing the arrival of a young Englishman to central Illinois during the Douglas-Lincoln period, makes him exclaim:

"I felt the stir of a new age. I saw the North, the country around me, growing in wealth and dominance. I

saw old despotisms giving way and new ones coming to take their place."

This vision was typical of the refugees who fled from the intolerable conditions of the old world and swarmed into the wilderness of the Northwest.

In this atmosphere lived the great emancipator, Abraham Lincoln. Also Lovejoy, the martyr. And it was in Wisconsin in 1854 that men who loved freedom and hated tyranny, met and laid the foundation for organizing the Republican party.

I can best picture the temper of the pioneers of Wisconsin and northern Illinois, for liberty and against spreading the curse of negro slavery, —it was too much a reminder of conditions from which they had fled, —by an incident in the life of the greatest debater of his day, Stephen A. Douglas, defending his compromising course as United States Senator. After a three hour address before a howling mob of his constituents, exasperated by being continually hissed and hooted, with remarkable self-reliance and courage he closed with this dramatic incident: "He drew out his watch. The audience quieted to hear what he would say. 'It is now Sunday morning. I will go to Church and you may go to Hell!'"

It was this type of men before whom in former years, kings, potentates, and mighty rulers of the earth blanched and trembled.

Among these sturdy pioneers restless under what they believed to be industrial exploitation, originated the "Granger" movement: also the "Farmers Alliance" uprising. Let us shift the scenery to events nearer home. In Dakota lived the author of the "Subtreasury" theory, —a basis for credit money, advocated long before the idea in new dress became popular and orthodox. It was also a Dakota pioneer who first proclaimed the efficacy of the "initiative, referendum, and recall" —a fundamental, radical idea in civil government which stands as a guardian against vicious legislation and criminal administration. It was the influence of Dakota pioneering that made Theodore Roosevelt great and successful.

For more than a generation the pioneers of the Northwest have originated many of the best ideas incorporated into statutes, state and federal.

The second state census taken in 1905 under the able direction of the Secretary of our society reveals some exceedingly interesting facts.

"Foreign immigration into South Dakota," says this report, "is almost at a standstill. * * Since 1880, when the foreign population equaled 34 per cent of the whole, the decrease has been regular and constant."

This census shows the population to be 455,185. Of this number 175,072 of the white population were born in South Dakota. That is 40.5 per cent of the white population in 1905 are native to the soil. Note this significant fact: the increase in population by birth within the state in five years was about 70 per cent. Again I quote: "Of those born in South Dakota 95,227 or 54.3 per cent are the children of foreign parents." "This," says the historian, "presents a most anomalous condition. Only 19.7 per cent of the entire population is of foreign birth, yet that small fraction of our people are the parents of more than half of all of the native born children. To this startling statement let us add: Of the 167,255 born in other states 63,003 are the children of foreign born parents, and the sum of all these children of foreign born parents, including those of foreign birth, is 247,764, being 54.5 per cent of the entire population of the state including the Indians.

"More than half of our population then is not more than one generation removed from foreign birth and it is most likely that not more than 100,000 persons reside in South Dakota who are more than two generations from a foreign born grandmother."

While early statistics are incomplete we know that the first rush of settlers largely were either foreign-born or the first generation of American-born descendants of foreign-born, who first settled in Michigan, Illinois, Wisconsin, Iowa, Minnesota and some other states and grown to manhood, with the urge of adventure and indomitable spirit of pioneering in their blood, they migrated to the Dakotas. In 1890,

thirty-five years ago, we find 184,938 persons in our state, natives of foreign parentage while their children, the grandchildren of the pioneers from Europe, make a percentage showing of native Americans far exceeding states on the Atlantic seaboard.

Let us look at these statistics from another angle. The pioneer families of fifty and sixty years ago were large families of children, born in pioneer environments of our neighboring states as already referred to, yet as late as 1880, the percentage of the population was 34 per cent foreign. In 1905, twenty-five years later, and no foreign immigration, the percentage was 19, or a decrease of 15 per cent showing a vigorous race living to a ripe old age.

Let us continue the analysis of our pioneer population, based on the federal census of 1920.

Mobridge, a city with a population of 3,517 has only 165 foreign born citizens, 593 of "foreign or mixed parentage" and 2,713 "native parentage." Vermillion with a population of 2,590, with 290 foreign born, has 719 of "foreign or mixed parentage." But the "native parentage" as we have shown is largely only one or two degrees removed from Europe. Both of these cities are located in counties having the largest "foreign population," classed as "from 15 to 25 per cent." One more, Rapid City, will suffice. The population is 5,777. Foreign born 463; foreign or mixed parentage 1,376; native parentage 3,825. As this population is drawn, to a great extent, from the counties where the foreign population was very strong in early days, no doubt the number of children more than two or three degrees removed from the Old World is very small.

We are now prepared to draw interesting conclusions.

The census of 1920 gives South Dakota a foreign born population of 85,352. Of this number 32,732 came from Scandinavia; from Germany, 16,149; Russia, 11,269; Canada, herself a pioneer people, 4,707; Netherlands, 3,269; England, 3,150; Czecho-Slovakia, 2,855; Ireland, 2,081; Austria and Finland, about one thousand each. The balance, small numbers from various countries. Thus four years ago, among the old survivors of the frontier class, nearly 40 per cent

of the foreign born were from Scandinavia, nearly 20 per cent from Germany, and more than 13 per cent from Russia; from these countries a total of nearly 73 per cent! From all the foregoing it appears that including the first, second, and third generations at least three-fourths of the population of this state trace their lineage to these liberty-loving, God-fearing countries.

Here then, we find some explanation for political phenomena—for progressive ideas and events, under the initial leadership of Lincoln and Roosevelt, which has attracted national attention. May we not say it is the answering vibrations of the influence of America's most beloved and greatest statesmen. It requires no prophetic vision to suggest that this region, new and expanding with suppressed vigor, may in the near future, become the arena where new ideas emanating from this vigorous race of pioneers, will be powerfully affecting, possibly dominating, American civilization.

It is not within the limits of this discussion to anticipate any specific task before the departing pioneers or their descendants. I may say, however, that it is the duty of lawmakers to scan the horizon for "coming events cast their shadows before." Reasonable conservatism is commendable. But the handicap of inherited opinions has often been a great obstacle to progress. The belief in the "divine right of kings" to rule has hung like a pestilence upon the human family for thousands of years.

The halo of sanctity which surrounds the constitution is a mixture of good and evil. We have been taught that this truly great document is almost as perfect and unchangeable as the Holy Bible. When it was framed the United States was a wilderness along the Atlantic with a small peasant population who feared God and loved liberty. There were no huge corporations to develop the natural resources, no titanic struggles for special privileges, no coal and oil and water power trusts. Life was simple. The Constitution was made to meet conditions as they were then, not the radio-miracles of development of the future, foreseen only by the mind of the Almighty.

Our country, then isolated and poor, is now a gigantic

power in touch with the whole world, with the most powerful industrial system and greatest accumulation of wealth. Nowhere has there been such a change in the conditions of life and so few fundamental corrective changes. Nearly every other civilized nation has undergone reorganization, some even more than once. Wealth and power are always conservative. The "ruling classes" whether recognized as such or not, are always functioning and usually opposed to any departure from the axiom that "Whatever is, is right." Parallel with this is the strange fact that "among all the obstacles to progress the indifference of the people," those most to be benefitted, is the greatest. The epoch-making reforms throughout all history have been preceded by revolutions. Is this a law of nature? From nature's decree there is no appeal.

My thought is this: there are great changes impending. They will come either,—let us hope and pray,—peacefully after agitation and deliberation, by wise legislation; or, after the manner of France, Germany and Russia.

Judged then by the past and logical inference our own state is a part of the most probable region for what has been described as "the experiment in democracy," now at the cross roads. I doubt not the ability of the sons and daughters of the pioneers to meet the ever changing conditions and new problems with the same vigor and wisdom which has always been characteristic of the pioneers of the Northwest. No one now questions the patriotism of this race of pioneers. Their love of country and adoration for our form of government are beyond the slightest doubt. This is their own country. The children and grand-children of these pioneers are as firmly rooted to the American soil as the Indians or the descendants of the Pilgrims. They have made this great wilderness "blossom like a rose," and it is theirs. They are here to stay. Who dares to question their right, ay, their duty to struggle for such reforms as to them may seem desirable and necessary. Some efforts may seem ill-advised or inopportune but to question their motives—never.

May I not in passing mention, as additional evidence of vigorous pioneer measures in the making, the plan to increase

governmental efficiency by providing civic machinery for a sane, sound, and economical legislative branch of state government, the unicameral legislature,—a small, highest grade, unafraid body of men representing the best thought, the best equipped to deal fairly with all of the people. When adopted as some day it surely will be, it will stand as a monument to the progress of the practical and rational on a par with the greatest accomplishments in statecraft.

In closing let me quote the memorable words of Daniel Webster: "North—a growing, increasing and swelling power that will be able to speak the law of this nation and to execute the law as spoken. That power is the country known as the Great West. There, Sir, is the hope of this nation—the resting place of the power that is not only to control but to save the Union."

THE ROMANCE OF THE BLACK HILLS*

The Black Hills have suffered much in the world because of the improvident character of their namer. I remember very distinctly the first impression I received when I heard of the Black Hills as a little boy. The name suggested something desolate, dreary and uninviting. I saw a cheerless picture of rough and uneven hill country overgrown with shrubbery and bramble, bleak, and inhospitable. Then add to this the additional misfortune of being in such disagreeable proximity to a region with a reputation in the world none too enviable—the Bad Lands. What's in a name? Very much. If the bad lands had been called Aladdin's Dream it would have conveyed much more appropriately some truth of the real beauty and splendor of that country with its grotesque and fanciful architectural creations of every description. When nature made the Bad Lands it was prompted by no sordid utilitarian considerations. It merely wished to try its hand at art and it succeeded remarkably well, scattering its many colors with reckless profusion, but with taste and design, on all the graceful objects of its fickle fancy, proving the truth of the statement of the cynical Heine that nature, herself, loves to imitate a great artist. The Bad Lands are no less interesting to the scientist than to the lover of the beautiful. Nowhere in the world perhaps has nature left such vivid vestiges of her ancient workshop, her manner and process of creation than here. Everywhere are to be found tangible proofs of the slow but constant process by which the present earth and its inhabitants come into existence. It is, in fact, a veritable paradise for the scientist who wishes to peep into the workshop of God and learn his secrets of creation. This country is bad only in the sense that, in the Indian days, it was bad for traveling, hence its name. Today, however, its roads are among the best, but the name remains.

Similarly the Black Hills should have been named the Black Mountains, for such they truly are. Such a name would have given a more adequate conception of their size,

*An address delivered by Prof. Henry Onsgard, of Aberdeen, S. D., before the South Dakota Historical Society at Pierre, S. D., January 21, 1925.

their grandeur, and their majesty. It is true that as we approach the Hills they appear black, like dark clouds lowering on the distant horizon, but as we draw nearer they are far from gloomy or dismal, in fact, quite the contrary.

In one respect I believe the appellation "Black" was well chosen. If we place ourselves in the position of the early explorers coming from the east and viewing the Hills forty or fifty miles to the westward, they are black as they rise one above the other like an approaching thunderstorm threatening to bring havoc in its wake. A very impressive sight, such as Homer himself would have loved to paint!

Such are the Hills afar off, but as we draw closer we find the gloom disappears, the vegetation increases, and we are surrounded on all sides by rich green pine forests, through which rippling streams, cool and clear, find their way to the plains below. The early explorers were all enthusiastic over the beauty of the Hills and expressed their astonishment at the great variety of the flora and the exuberance with which it grew. Acquainted as they were with the entire West from the Mississippi to the Pacific, these fore-runners of civilization, none the less, lavished their praise without stint on the beauty, the fertility, and the invigorating climate of the Hills. General Custer had seen service in all the Western frontier states; his campaigns during the Civil War had brought him into many of the states of the South, yet in his report to the Government, he has the following to say of the Hills:

"Its equal I have never seen and such, too, was the testimony of all who beheld it. In no private or public park have I seen such a profuse display of flowers. Every step of our march that day was amid flowers of the most exquisite color and perfume. So luxuriant in growth were they that the men plucked them without dismounting from the saddle. Some belonged to new and unclassified species. It was a strange sight to glance back at the advancing columns of cavalry and behold the men with beautiful bouquets in their hands, while the headgears of the horses were decorated with wreaths of flowers fit to crown a queen of May."

Captain Bourke traveled through the Hills with General Crook in 1876 and he calls the Hills, "a most entrancing country laid out apparently by a landscape artist * * * Harney's and other peaks project to a great elevation, their flanks dark with pine, fir and other coniferae; the foot hills velvety with healthful pasturage. * * * There are no lakes, but the springs are legion and fill with gentle melody the romantic glens, the retreat of the timid deer."

I cannot forbear citing one more instance to show how the general character of the Hills appealed to one of the early settlers of this region. This account is taken from the Black Hills Pioneer, June 8, 1876, the first newspaper in the Hills, located at Deadwood. A writer signing himself D. D. T. whose violent fulminations against the hellish Indians alternate with rhapsodical effusions of the exquisite beauty of the Hills, had this to say: "Let us have this grand and above all, this, the most beautiful country that the eye of man ever beheld. Nature never painted a more beautiful picture. Is the red man to have this country, and are we to get down and out?" Someone had suggested to D. D. T. that the Indians might be educated and civilized and he continues indignantly—"A Sioux Indian takes education with the same will and spirit that his satanic majesty embraces the religion of Jesus Christ. Think of a classic red man skinning a white man alive! Better by far teach the hyena to leave off his midnight visits to the country graveyard, or the subtle serpent to withhold the poison fang." It is very clear that D. D. T. realized the utter futility of humanizing the Indian through education. He therefore concludes his article—"let the noble white man have this country that is rich in silver and gold, a delightful climate and whose valleys are covered with luxuriant grass and beautiful beyond description and whose mountains tower far beyond the thunder's home." It was probably very unwise of D. D. T. to suggest, while expatiating so eloquently on the aesthetic nature of the country, to intimate that gold or silver was a motive to all in his claiming the Hills.

Such then, Ladies and Gentlemen, was the character of the Black Hills for the possession of which the aggressive

pale face and the fierce aboriginal fought. The Indians loved this land, for the object of their affection was not only fair but rich beyond a caliph's dream. There were other and still stronger reasons too why they should cling so tenaciously to this country. The buffaloes, which once constituted their chief means of subsistence, were rapidly disappearing. The Hills would then be their only hunting grounds where game, though of a less desirable kind, was very abundant. The leaders among them also realized that this was the last stand of the Dakota Indians, or any Indians for that matter. Their hunting grounds had been lopped off little by little by the on-coming pale-faces. Nothing seemed to deter them. Any treaty made with such men was useless and futile. They could not be trusted! When had they ever been known to observe a treaty when their selfish interests were involved? When had they ever shown any disposition to return the land already wrested from them by force or chicane?

Some time ago I had a conversation with Dr. Edward Ashley, than whom the Indians have never had a more faithful and sincere friend. "We speak about scraps of paper," said he, "yet what is the history of the white man's treatment of the Indians from the Atlantic to the Pacific but one scrap of paper after another." With due allowance for the bias of warm friendship and indignation at violated faith and broken treaties we must acknowledge much truth in this statement. Yes, the treatment accorded the Indians by our fathers, if judged on the basis of ideal perfection, has been disgraceful, unjust, and shameful, but when compared with the treatment accorded the inferior peoples of Asia and Africa by the great European nations our conduct has been in a high degree generous and magnanimous. In fact, I applaud the magnanimity of our fathers but I very gravely question the wisdom of their policy of encouraging a seemingly lazy people in their sloth and indolence, removing the one incentive which would have goaded them on to a manly and spirited attempt to acquire the white man's civilization. If the Indians are unable to adjust themselves to a new order of things they must inevitably succumb before the onward progress of society, and we will see the passing of the

whole Indian race as we saw the last of the Mohicans. The great Red Cloud foresaw the fate of his people when, in addressing the Secretary of the Interior, he said, "when we first had this land we were strong, now we melt like snow on a hill side while you are grown like the grass of spring." The Indians possess many noble and admirable qualities and the extinction of the race would be deplored, yet only a more intelligent attitude toward them on the part of our people can save them. In one respect the Indians have enjoyed a place in the popular estimation such as white men have never before vouchsafed to men of other races. We have surrounded them in poetry and song with an air of romance which should make their relations with us more cordial and accessible but still they have failed to take advantage of this to better their own cultural conditions.

The treaty of 1868 set aside a large territory for the Indians where undisturbed they might enjoy the primitive pastoral pursuits which their fathers had enjoyed from time immemorial. Yet immediately outside their reservation life was teeming everywhere, the land was loud with the hum of modern industry, thrifty and ambitious men clamored for an opportunity to work land which others neglected. Under such circumstances a treaty was impossible. Nothing could stay the invasion of the whites, treaty or no treaty. The treaty of 1868 guaranteed to the Indians the integrity of the Black Hills. It was definitely stipulated that under no circumstances were white men to enter this country without special permission from the Indians. In direct violation of this agreement the Government sent an expedition into the Hills under the dashing and intrepid cavalry leader George Custer to explore and report on that country. Few men of history have appealed to the popular mind as General George Custer. Young, fearless, impetuous but generous and jovial, he won the love and devotion of all men, and his heroic and tragic death on the banks of the Little Big Horn has tended to render his name still more attractive to posterity. His trip through the Hills and his subsequent report to the Government disclosed to the people of the country, what many already surmised, the untold nat-

ural wealth that lay buried in those pine-clad hills, gold, silver and minerals of every kind. Two sentences were enough to set the entire west on fire. "The miners," said Custer, "report that they found gold among the roots of the grass, and from that point to the lowest point reached, gold was found in paying quantities. It has not required an expert to find gold in the Black Hills as men without former experience in mining have discovered it at an expense of but little time or labor."

December 1874 saw the vanguard of the mad rush to the Hills. A party starting from Sioux City penetrated the Hills in the depths of winter and built a stockade there. The journey had been a hard one. It was necessary to elude the vigilance of the government troops patrolling this region with strict orders to arrest all trespassers on Indian territory. Indians, jealous of their homes and hunting grounds, were only too eager to kill and scalp white men when they could do so with impunity. They were forced to undergo the severest privations in encountering the barriers and obstacles that nature placed in their path. There were no roads that lead into this country of whose geography they were almost wholly ignorant. Blinding blizzards threatened to scatter their little band. The weather was bitterly cold and they suffered extremely. Sickness and disease visited their train and death itself claimed one of their number, but still, with unflinching fortitude, they advanced across the trackless prairies until the Hills came into view. One lone woman, but in many ways a remarkable one, accompanied this expedition—Annie D. Tallent. She faced the hardships and vicissitudes of pioneer travel and the menacing Indian attacks with the courage and patience of a veteran frontiersman, and even cheered the drooping spirits of her comrades. Annie Tallent was an educated woman of rare natural endowment. During the winter of 1874, while marooned in the Hills two hundred miles from civilization, she read and re-read *Paradise Lost* and some other works till she knew them by heart. She later wrote a history of the Black Hills which ranks her high as a master of narrative prose and historical research. Her pages sparkle with wit and the

countless literary and historical allusions reveal her to have been a woman of wide and solid reading.

This little pioneer party suffered the hardships sustained by all the invaders of the Hills during the next two years—soldiers, Indians, and difficulties of travel. Uncle Sam put forth conscientious efforts at first to observe the treaty with the Indians. Soldiers drove all settlers out of the Hills and burned their wagons and other equipment. The Indians kept up a constant war on all intruders and very few parties arrived in Custer City without a skirmish or two with the lurking savages.

The distance was quite great from Sidney, Nebraska, and Cheyenne, Wyoming, but they continued to come by the hundreds and by the thousands. Nothing could prevent them. If they were driven out by the soldiers they came back again. If they were besieged by the merciless redskins, they retaliated and killed the Indians, for they were better shots and more resourceful than their enemies. If nature presented barriers, they banded together for mutual assistance, for these men were determined, resolute and unconquerable. They came of a whole line of aggressive and enterprising empire builders.

About 2000 years ago the Nordic Teutons began to emerge from their homes in the frozen north. Toward the east, south and west they moved slowly but resolutely, overrunning the old Roman Empire, displacing and exterminating entire races. In England they left hardly a vestige of the former inhabitants. They continued their expansion against the laws of God and man, penetrating Asia, Africa, Australia and America and here in 1874 we observe them beginning to filter through into the seemingly inaccessible fastnesses of the Black Hills. They but carried on the tradition of their ancestors, aggressive and arrogant, with a haughty contempt for other peoples. "Blessed are the meek for they shall inherit the earth". On hearing this an Englishman, a true representative of the Nordic Teutons, exclaimed, "Then we are the meek." The invasion of the Hills was but a small wave of this general conquest of the earth by the blond Nordics.

Let us examine more closely the immediate cause that led to the general influx that now commenced and observe who these men were that transformed a howling wilderness in the course of a few years into a happy and prosperous land of factories and farms, churches and schools.

The Civil War had devastated the South. Economic conditions were bad but the presence of insolent and unscrupulous carpet-baggers and the consciousness of utter defeat prompted many Southerners to seek their fortunes anew in the West and let the dead past bury its dead.

The financial depression of 1873 to 1878 undoubtedly proved a tremendous impetus to the westward movement. The roseate conditions that were pictured, the accounts that rivaled the travels of Marco Polo, fired the imagination of many a despondent business man or struggling farmer who saw an opportunity of relieving his poverty and even reaping immense fortunes.

The spirit of '49 was still in the air. The professional miner who had prospected in California, Colorado, Montana and elsewhere left less promising fields to rush to the new El Dorado, lured by the fantastic accounts that became current. Indeed, a veritable stampede began for the Hills, for stampeding is a characteristic common to all gold prospectors. A great many young men urged on only by sheer wanderlust, an irrepressible desire to see the world, arrived in the Hills. Some of these were impelled solely by a love of adventure. Many of them were honest and respectable while others were wayward. More than one pathetic tale of the Hills recounts the tragic and untimely end of such lads.

Then there always comes the merchant with his wares, catering to the needs of a new community. He is enterprising and ambitious. He demands law and order if he is to thrive. He is a vital factor in this new world as he is everywhere in extending and promoting civilization. The merchant is actuated primarily by a love of material gain but unlike the gold seekers he is not an individualist. His prosperity is indissolubly bound up with the general prosperity and he is vitally interested in a high standard of living about him. He is a promoter of education and the greatest

exponent of the law and order element, indeed, he, more than any other class, is responsible for the high character of our present civilization. His business compels him, or teaches him to be altruistic and to assume the leadership in all civic enterprises. He stands for social stability, material prosperity, enlightenment, and progress.

The best type of this class in the early history of the Hills is represented in Captain C. V. Gardner, who came to the Black Hills in the spring of 1876. He was a born leader of men. Incidentally he was a soldier. His attributes were essentially those that fitted him for constructive society. Physical courage may be a common quality; moral courage, the sine qua non of all real leadership, is a very rare quality. Captain Gardner possessed the latter as well as the former in a preeminent degree. This versatile, energetic and resourceful captain is an excellent type of great empire builders. Intimately connected with all the early enterprises of the Hills, business, social and civic he was a force working for progress and betterment. Fifty years ago his initiative and foresight brought 60,000 pounds of merchandise to the Hills; he actually fought his way into the Hills through a country infested with hostile Indians. Since that day his life has been one of ceaseless activity as founder, promoter and organizer of many worthy causes, and now, in the dim twilight of life, when men are wont to demand, and have a right to expect, a surcease from labor, he has been busily engaged in making possible the erection of a statue to a fellow pioneer, Mrs. Annie Tallent.

Where the carrion is, the buzzards will gather together. From all quarters of the country there congregated in the Hills outcasts of all society, men and women to prey upon the industry and credulity of honest men, brutal saloon keepers, abandoned inmates of low dives, card sharps, gamblers, cattle rustlers and all around bad men and desperadoes. One of the heroes of Rabelais had sixty-six different ways of making a living the most honest of which was stealing. There were many of these that entered the Hills in the early years of their history. Before organized society could exist these men must be reformed, crushed,

driven out, or killed. On the whole the early men that entered the Hills to remain were men of superior courage and self reliance. To enter the Hills at all it was necessary to travel through two hundred miles of wilderness where marauding Indians contested every mile of their advance. The United States Government would afford them no protection. Even after entering the Hills they could be picked off individually by the skulking savages as they went about their work. Because of this common peril menacing the white men they all clung together against a common enemy.

Not all who arrived in the Hills became permanent residents there. Some no sooner arrived in Custer than, disheartened by the gloomy prospects that confronted them, they began to make preparations for their departure. Discouraged by the dangers that continued to lurk in every dark gulch and behind every moving bush; discouraged by the many privations peculiar to a frontier community 200 miles from civilization, dis-illusioned and embittered, they turned their steps with haste back to God's own country, to the peaceful pursuits of agricultural life and the less romantic but more substantial life of the office swivel chair. It must not be supposed that these tenderfeet were not excellent and useful citizens who in a more stable community would have become leaders in all business and intellectual enterprises. In reality they constituted the great army of civilization which follows up the scouts sent ahead on the frontier to open the way for them.

The first men in the Hills were essentially men of action. They differed from the ordinary American pioneer in that they were all animated by one dominating idea—to get rich quick. In the intense struggle to attain wealth rapidly men are willing to encounter everything, to endure much, and the avarice of some is so great that they will have recourse to anything to satisfy their hunger. In consequence men lived much in those first years in the Hills. To read the history of this early period we are entertained by deeds of heroism and tales of adventure that surpass the more classic ones on the borders of Scotland or the banks of the Rhine. When our great poets and dramatists begin to write

they will find a fund of material here to work with such as few nations have to present.

Under such conditions as I described, the society of the Hills was a man's world and it lacked all the refinement and moral tone that woman alone can give to any civilization. Not until after the cessation of hostilities did women enter this country in any numbers. Drinking, gambling and all the evils that these vices engender were very common. The need of law was soon felt by the first gold seekers in order to prevent chaos and the exponents of law and order succeeded in making property safe. It is natural that they should, for the early pioneers contained an unusually large number of educated men. The establishment of a newspaper in Deadwood in June 1876 with a fairly large subscription list bears testimony to the high state of literacy in those days.

How to render life safe, how to quell the predatory agencies and the vicious desperadoes who grew fat on illegitimate pursuits and terrorizing peaceful men; every city in the West had to face this problem and the cities of the Hills had a very grave problem in the absence of legal authority. Public opinion prevailed however, and though it was essentially a society of extreme individualism most men were compelled to bow before it. They subscribed to the basic principle of all Roman law that the safety of the people is the supreme law of the land. In order to crush the desperadoes and bad men it was necessary to clothe some man, conspicuous for his courage and honesty, with the power of marshal and direct him to clean up the town.

Such a man was James B. Hicock, better known throughout the entire land as Wild Bill. He spent but a small part of his turbulent career in the Hills but he was a product of the west, denoting the transition from the wild chaotic days of frontier life to the more settled life of organized society. Wild Bill probably sent more men prematurely to the shades of hell than any man that ever lived. During the Civil War he killed many men with his own hand, a fact that is vouched for by authoritative witnesses. Of course that is what war is for and he excelled in that field. Outside the army he shot many men either in self-defense or to

uphold the dignity of the law. Such was the unsavory record of James B. Hicock! Yet a closer intimacy with the man would have belied the opinion you have already conceived of him. His manner was gentle and unobtrusive. Annie Tal-
lent said he had the appearance of a minister; another contemporary maintained that the woman nature with its tender emotion was strong in him; Major Coursey ascribes to him the melancholy of Shakespeare's Jacques. Such a man he truly was but underneath this placid and gentle exterior lay concealed the dormant ferocity of a savage tiger, which, if it could be awakened was governed by a clear intellect and a steady nerve. His appearance was impressive. A writer for an eastern magazine in 1869 asserted "as I looked at him I thought his the handsomest physique I had ever seen." He never smoked or drank till he was twenty-two years old when he joined the Union Army. Speaking to a northern officer he declared, "War is demoralizing, it is". Wild Bill killed hundreds of men, but all of them were enemies of his country or of society. He repudiated with indignation the imputation that he was a bad man. "I'm not a cutthroat and a vagabond," he cried out in a moment of despair. Be that as it may, the afterworld has been content to heed the prayer of Captain Crawford, the poet-scout who wrote at his friend's death:

"Oh, Charity! Come fling your mantle about him;
Judge him not harshly—he sleeps 'neath the sod;
Custer, brave Custer, was lonesome without him,
Even with God."

The afterworld has been exceedingly charitable and still more curious for every year thousands of idle tourists are drawn to Deadwood to stand, lost in reverie, at the grave of Wild Bill as it overlooks the city where half a century ago, he met his death at the hands of an assassin at the age of thirty-nine.

I once met an elderly gentleman in the Hills who declared that though he lived in eastern Canada, he had always felt a strong desire to visit Deadwood merely to see the grave of Wild Bill and to view Mount Roosevelt. Both of these names though so different had this in common

that they represented the great American exponents of an active and strenuous life. Wild Bill was a true type of those men on the frontier that drove out one age and made possible a new and better one. Whatever Wild Bill's personal character may have been, his claims to the gratitude of his country are many and great.

The most conspicuous trait in the early settlers of the Hills was the boundless energy displayed. They were, as I have said, men of action. In the course of one or two years cities were platted and organized. Religious and educational institutions arose everywhere. Despite the untoward conditions under which they labored, the difficulties of transportation and the lack of government protection, they had created a flourishing commonwealth two hundred miles away from the nearest out-post of civilization. Such was the progress made by September 1876 that Captain Bourke, passing through Deadwood at that time, had this to say: "Altho I had been through the Black Hills with Colonel Dodge the previous year, I was unbalanced by the exhibition of the marvelous energy the American people laid before us."

Not all these gigantic efforts were wisely directed. Doane Robinson says somewhere that, in some communities of South Dakota, men with the ability and learning of great statesmen, expended their life and energy in a fatuous and futile attempt to build cities and towns out of what nature and environment had ruled should be small villages or country stores. I was strongly reminded of this as I passed through the Hills and saw the many deserted villages nestled in some inaccessible canyon or remote from human habitation. These are the blasted dreams of ultra-optimistic miners.

A fine spirit of democracy and equality animated these early men. A man was judged solely on his own merits. Wealth, birth and other factitious distinctions were not of any consequence. The chief claim to recognition was, what can you do, or what sort of a man are you? Out there in the mountains, on the border of civilization, the words of Kipling were literally true—

"There is neither East nor West, border nor
breed nor birth,

When two strong men stand face to face though
they come from the ends of the earth."

In those days men were content to take each other as they were, demanding only two great virtues, honesty and hospitality. Badger Clark has celebrated the first of these virtues when he represents the westerner as saying:

"I waste no thought on my neighbor's birth
Or the way he makes his prayer.
I grant him a white man's room on earth
If his game is only square.
While he plays it straight, I'll call him mate
If he cheats I'll drop him flat.
Old class and rank are a worn-out lie
For all clean men are as good as I
And a king is only that."

One of the best known characters who was conspicuous in the early history of the Hills was a woman known far and wide as Calamity Jane. She was a series of paradoxes. She was three persons in one. She was not a type of the Hills, she was three types in one. The first was that of a common camp follower, lewd and disgusting—a menace to society. She also represented another type of the carefree, independent, and unruly character that haunted the border. She was a reckless horsewoman, a crackshot, fearless and adventurous, never known to abandon a friend in a fight. She loved the wild, free life of the West; she hated the conventions of fine society. She was a tom-boy frontiersman. In one respect she represented a distinct type of the early settler, for she had much of the milk of human kindness in her nature. Her deeds of charity and benevolence have therefore rescued her from oblivion and the odium that the world is wont to heap upon women that succumb to her vices.

In June 1876, General Custer was led into an ambushade by the Indians on the little Big Horn river and his troops totally annihilated. It was called a massacre but in reality it was an honest and brilliant victory for the Sioux Indians defending their families and their homes. This calamitous defeat aroused the government to the necessity of adopting

more drastic measures to put an end once for all to Indian troubles. A treaty virtually foisted on the Indians, was made whereby the Black Hills were ceded to the government and the Indian reservation was still more narrowly restricted. This insured the Black-Hillers a peace at last with their implacable foes.

There now arose division among the whites themselves since a common danger no longer threatened them. Every road was beset with highwaymen and cattle rustlers. The former lay in wait for the stage-coaches at some favorable place and relieved the occupants of their purses and jewels. The latter swooped down on herds of horses and cattle and drove them off as the Indians had formerly done. The settlers proved equal to the occasion. Vigilance committees were instituted which dealt summarily with all such outlaws. These knights of the road had, as a rule, but few of the generous and noble traits that people love to ascribe to the Robin Hoods of history. They were generally cruel and drunken, lacking in respect for both God and decent society. There were, to be sure, many among them of a finer character who merely drifted into this life through bad associates. They were all treated with resoluteness and promptness by improvised courts called "necktie parties". No doubt some innocent men were hanged, but it had the desired effect of striking terror into the hearts of the lawless element. With the passing of this class of men the transition to modern society was complete. Today the Hills make up a community of peaceful and industrious citizens. Their contribution to state and national affairs has been far above the average. Their highways are today the best and securest. The screaming steam whistle and the activity of an ambitious people greet the ear and eye of the visitor. The beauty of the Hills is still there, but the outlaws no longer lie in wait for the belated traveler; the warwhoop is no longer heard in the lonely gulch and the tomahawk has been buried forever.

Thus, Ladies and Gentlemen, an empire was born and this constitutes the real romance of the Black Hills. It shows in miniature how our state, how our nation, arose into existence.

THE RESIGNATION OF DOANE ROBINSON

In December, 1925, Mr. Robinson announced his desire to resign upon the completion of twenty-five consecutive years as secretary of the State Historical Society. Agreeable to his expressed wish, President Wilmer D. Nelson issued a call for a special meeting of the Executive Committee on December 29, 1925. On the date fixed in the president's call the meeting was held at the St. Charles Hotel, Pierre. The minutes follow:

A special meeting of the Executive Committee. Present: President Nelson, Governor Gunderson, Secretary of State Coyne, Auditor Jones, Messrs. Riggs, DeLand, McClure, Aldrich, and Parmley, and Secretary Robinson.

President Nelson read the resignation of Doane Robinson as secretary and stated that the meeting had been called to consider the resignation. Mr. Robinson read a report of the activities of the society since the last biennial meeting. After the discussion of the matter of the resignation, on motion of Secretary Coyne, seconded by Auditor Jones, the resignation was accepted, effective February 1, 1926.

The name of Mr. Lawrence K. Fox, as successor to the office of secretary, was presented and upon motion he was elected, the term to begin February 1, 1926.

On motion, a committee consisting of Messrs. DeLand and Aldrich was appointed to draft a suitable resolution upon the resignation of Mr. Robinson.

On motion that Secretary Fox be instructed to employ an assistant subject to the approval of the governor and president.

On motion Doane Robinson was granted permission to revise or rewrite The History of the Sioux, published in Volume II of the Collections, as a commercial enterprise.

On motion of Dr. Thomas L. Riggs, Doane Robinson was elected secretary emeritus.

DOANE ROBINSON,
Secretary.

SECRETARY ROBINSON'S FINAL REPORT

To the Executive Committee:

The last previous meeting of this committee was held while the eighteenth legislature was in session; although the demands upon the legislative reference division were lighter than in some former sessions we still sent more than 200 written reports to that body during the 45 days it functioned, in addition to many informal services.

The legislature gave us the same support we had had in the previous biennium; \$1200 per year for general expense. The salary of the assistant secretary was advanced from \$1800 to \$2100, and an item of \$5000 provided for the compilation of the Fourth State Census. The big business of the year has been the supervision and compilation of the Census. This work has largely devolved upon Mr. Fox and he has carried it off efficiently. The returns began to come to us on July 6 and the force of more than 70 persons were dismissed at the middle of August. Through no fault of this office the published report of the Census was not ready until December 1.

On January 1, 1925, the Department offered a prize of \$100 for the best contribution to local or state history given to us during the year, the prize to be awarded on January 1, 1926. It was our hope that a large number of studies in local history would result. In that we have been disappointed. Eight contributions have been made, some of which are very important. The contributions were submitted to Miss E. H. Mathys, history teacher of the Pierre High School and to Mr. Charles E. DeLand who examined them separately and did not agree upon the first in importance. The two so indicated were submitted to Mrs. Miller Steele, a teacher of long experience, who cast the deciding vote in favor of Mr. Harold E. Briggs, Early History of Clay County.

The prize will be paid on January 1 from the cash fund of the Society. I believe that it has resulted to the profit of the Society and that another year would result in many more contributions. We have knowledge of several who have be-

gun historical essays but were not able to complete them within the prescribed period.

The superintendent attended the Mississippi Valley Historical Association at Detroit at the end of April. The expense of the trip was \$125.25 paid from the cash fund.

As the guest of the Great Northern Railway, the superintendent was a member of the Upper Missouri Historical Expedition of 1925. The expedition was made in the month of July and extended as far as Glacier Park, Montana. Many historical points were visited and suitably commemorated en route. Ten days were occupied without expense to this Society.

As of January 1, 1926 the financial condition of the Society and Department is as follows:

Balance in Historical Society cash fund	\$ 200.21
Balance in salary account	3840.00
Balance in office expense	704.49
Balance in census fund (will revert)	461.11

The following have paid the fee and applied for life membership:

Hans Ustrud	Baltic
John J. Wipf	Freeman
William F. Bruell	Redfield
Howard P. Juttelstad	Volin
Roscoe Satterlee	Mitchell
Daniel W. Greenburg	Casper, Wyoming
Masonic Grand Lodge	Sioux Falls
Buell F. Jones	Britton
Thomas R. Nelson	Dupree

Perhaps I will be pardoned if I briefly summarize the accomplishments of the Society and the related Department of History since its foundation. Beginning empty-handed on January 23, 1901, we have assembled a library of about 80,000 titles, covering a wide field in history, biography, genealogy and governmental science. We have gathered a museum of some 3,000 specimens of scientific and curious interest; we have published twelve volumes of the materials of history, and an annual review of the progress of the State in each of 25 years. The State has paid during the period

about \$140,000 for maintenance. I believe a fair inventory of the material on hand would quite equal the total expenditure. If that be true the service has cost the State nothing.

It is perhaps not a revelation to the members of the executive committee to say that the superintendent who has now served you for a quarter of a century is by nature and temperament a promoter. I suspect that in the formative stages of such an organization as this a sanguine temperament has its advantages. The time however has arrived when the affairs of the Department of History should be placed under the administration of conscientious scholarship. I believe Mr. Lawrence K. Fox, who for four years has been associated with me as assistant superintendent, has the training and capacity to give to it an intensive and scientific direction which is beyond my powers.

In retiring from the duties of secretary and ex-officio superintendent at the completion of twenty-five years of service, I wish to thank the executive committee collectively and individually for the unfailing support you have given me throughout. Dr. Thomas L. Riggs and Mr. Charles E. DeLand have been members of the committee from the beginning. Governor Herreid was one of the organizers of the Society, and served ex-officio as a member of the executive committee during the first four years, and came back to it by election in 1919; Col. P. F. McClure has been upon the committee for seventeen years. To one and all I give sincerest thanks.

In closing I wish to express to my staff my high appreciation of their devoted service. The superintendent has been singularly fortunate in the personal equation contributed at all times by those called to his assistance. It would be a real pleasure in this connection to commend each individually who during the life of the institution has assisted me in carrying forward the work. Through many years, perhaps the most poorly compensated of any employees of the State they have labored with zeal for the advancement of the work. Now that I am no longer to be a beneficiary let me say that the employees of the Department of History are worthy of at least the same compensation and the same immunities af-

fording the employees of the other educational institutions. I believe no other single one touches so many lives in an educational way, as does this society and its related activities.

Faithfully,

DOANE ROBINSON,

Secretary.

RESOLUTIONS OF APPRECIATION

To the Executive Committee of the South Dakota Historical Society:

Your committee, appointed at its meeting of December 29, 1925, to draft and report resolutions appreciative of Dr. Doane Robinson as State Historian of the State of South Dakota, upon the occasion of his resignation as Secretary of the State Historical Society, respectfully reports the following:

The date at which primitive man first cut in stone or painted on the walls of his cave a figure representing an animal which was recognizable as such by other members of his clan marked an important epoch in human development. It was the first time an idea has been conveyed from one mind to another except by speech or motion. The possibilities doubtless dawned on humanity but slowly, but in time some one discovered that it was feasible to record human experience for the benefit of posterity. This was the beginning of recorded history, and, fundamentally, its object remains the same.

We record the doings of our times in order that our posterity may profit by our failures and our successes, and we reach back into the unrecorded yesterday for additional material which will give those who follow us a fuller and clearer conception of the events of the past, and their relation to the future.

South Dakotans of the present generation are living in a period so wonderful in its historic significance and so rich in its close relation to the beginnings of civilization and culture in our prairie empire that we hardly realize our privileges.

Fortunately, for a quarter of a century, South Dakota has maintained a historical department, and has enjoyed the self-sacrificing service of a man of vision, an idealist with a Yankee slant toward the practical, a philosopher with a sense of economic proportion, a poet breathing the scent of the newly turned sod of the prairie, Dr. Doane Robinson.

On the eve of his retirement, the members of the executive committee of the State Historical Society desire, on behalf of the membership of the Society, and for the people of South Dakota, to express our indebtedness to Dr. Doane Robinson for his faithful and efficient service as Secretary of the State Historical Society.

Generously endowed by nature, training, and habits of thought for the important pioneer work of organizing and establishing the department of history, he had added to his natural abilities a persistency of purpose, a wisdom of administration and a self-sacrificing enthusiasm that has resulted in very wonderful achievement in the relatively short time and with the limited means placed at his disposal by the state.

We record our pride in his accomplishment and our admiration of him as student, investigator, author, lecturer, citizen.

The native equipment of Dr. Robinson, in kindliness of heart, in mental incisiveness, and in spiritual insight, enthusiasm and elevation, furnishes a rich foundation, which, re-inforced by an intuitive trend toward historical research of the higher order, has resulted in his bestowal of a wealth of devoted service to the Society, the people and the Commonwealth itself, which has signally endeared him to our members and to the people at large, while placing our citizens and futurity under deep and lasting obligations of gratitude.

His services in that high and responsible capacity have not been limited to the welfare and glory of his adopted state; in conception and in practical grasp they have embraced the whole Upper Missouri River Region,—in a large sense, the entire Northwest.

Born in Wisconsin, an emigrant to Minnesota, and finally to Dakota Territory, where for many years prior to taking up his residence at Pierre he was located near the western frontier of Minnesota and close to what became the dividing line of the two Dakotas, he early reveled in the lore of history and tradition telling of pioneer contacts of whites with aborigines, of aspirations and clashes of interests of the fur-

trading era, while he was in actual contact with the later laying of foundations in peopling of prairie and townlet, of home-building under pioneer conditions that wrought harvest in hardihood, manhood, enterprise and citizenship.

All this was further enriched by his experience as journalist and publisher, crowned by genius in the kindred fields of literature and of poetry. Inspired by all these accessories, our State has received splendid contributions from his hand, and the Historical Department has been the richest beneficiary.

So largely is it true that to his untiring energy, initiative, and executive ability the State Historical Society is indebted for the splendid and monumental historical library equipment and museum now possessed by the State, as well as for the twelve volumes of our Historical Collections, that he properly may be said to have been their chief founder and creator. The accumulation of such a mass of rich historical material—practically the work of the present century and since his official connection with the Society began—is a remarkable exhibit among the states of the Northwest. Moreover, the unique richness of the historical foundations of the Upper Missouri Valley, and on to the crest of the Rocky Mountains—largely centering or harking back to the soil of South Dakota and the early commercial establishments created thereon—these have been appreciated by Dr. Robinson in a degree indicative of his comprehension of their vast present and future value to the state and to posterity.

It is with deepest regret that the Society finds itself called upon to face the reality of Dr. Robinson's resignation as Superintendent of the Society. Only the reasons he advances as grounds and justification of his course in so doing have reconciled the Society's members and the Executive Committee to the peculiarly regrettable duty of accepting his resignation. We realize, however, that his expressed desire and resolve to enter upon some further labors on his own account, in the field of historical research and kindred activities, during the remaining years of his active life and which will certainly redound to exceptional entertainment and enlightenment of our people and the welfare of the State

as well as far wider precincts—furnish ample justification for the course he thus pursues, and for the action, however regrettable, of this Society, in accepting his resignation.

The most profound and heartfelt thanks and gratitude of the members of this Society are hereby tendered to Dr. Doane Robinson, for the long, most devoted, faithful and conspicuous service he has rendered to it and them since his incumbency of the office of Secretary of the Society.

May his days be long lengthened, his health and strength preserved to cope as joyously and as forcefully as in the past with the duties he will face, as his vision perceives them in the vista of life's supreme ascent in the earthly sphere!

CHARLES E. DE LAND,
IRWIN D. ALDRICH,
Resolutions Committee.

OUR FIRST FAMILY

By Doane Robinson.

Pierre Dorion, I.

Pierre Dorion, notable guide to Lewis and Clark, was the first white man of record to make his permanent home and rear a family in South Dakota.

The Dorions have been an important family in Quebec and Canadian affairs. The immigrant ancestor, Pierre Dorionne, came from Senlis, thirty miles northeast of Paris, and settled fifty miles below Quebec before 1688 in which year he was married; he died there in 1724, where he had lived a useful and public spirited citizen. Nicolas Dorion, a great grandson of the immigrant and perhaps a brother of our Pierre, represented the home district lying along the south shore of the St. Lawrence from Sud river down to St. Anne la Pocatiere in the legislative assembly of Quebec 1796-1800; Jean Baptiste E. Dorion, 1826-1866 was an important liberal leader and his more distinguished elder brother, Antoine Aimee Dorion, 1818-1891 was one of the really great men of the Federation; he was the first to propose the confederation of the provinces and for a brief period he served as premier. He was long minister of justice and was chief justice of the Supreme Court of the Dominion from 1874 until his death. He was knighted in 1877.¹

Pierre Dorion, the Dakotan, who was born on the St. Lawrence before 1750, came to the neighborhood of St. Louis prior to 1780. The first definite information we have of him is in the following letter dated at Cahokia, May 31, 1780:²

[Translation]

"To George Rogers Clark, Colonel of the Illinois battalion and Commander in Chief of the troops of Virginia and of eastern Illinois and its dependencies.

"Sir:

Pierre Dorion has the honor of stating humbly that having taken the oath of fealty to the United States of

¹Dictionnaire Genealogique des Familles Canadiennes, Montreal: 1887.
Letter from Dr. Louise Phelps Kellogg, dated Nov. 20, 1925.

Histoire des Canadiens-Francais, 1680-1880, par Benjamin Sulte.
Montreal: 1884.

New International Encyclopedia.

²Illinois Historical Collections, VIII, 420-21.

America and wishing to give a token of it today, he desires to remove all of his property which is at St. Louis on the Spanish side and to transport it to Cahokia.

"The petitioner has the honor of stating that he would be sorry to harm any person to whom he might be in debt on the other side. He wishes to pay all his creditors even before he removes anything to this side.

"The petitioner has the honor to beg of you, sir, to be kind enough to intercede with M. de Leyba, commander of Spanish Illinois, so that he may be permitted to remove here all that he possesses on the other side after having paid his debts if he has any. He will continually pray for your preservation and prosperity. Cahokia, May 31, 1780. Pierre Dorion."

This letter is 50J34 of the Draper Collection in the Wisconsin Historical Society. The translation is by Dr. Clarence W. Alvord who says the manuscript is an autograph letter signed, but Dr. Louise Phelps Kellogg, of the Wisconsin Historical Society, says "the letter is evidently written in another hand than that of the signature of Dorion."³ Inspection of a photostat copy provided for the department of history by Dr. Kellogg seems clearly to indicate that Pierre did not write the letter which he signed in a clear running hand showing easy penmanship.

Dorion's petition evidently was granted. On the 26th of October, 1780, he brought an action in the court at Cahokia against Charles DuCharme, a well-known citizen of that period. It appears that Pierre had sat in a little game of blackjack [Vingt-et-un] with one Joseph Desloges and won rather heavily. His action was against DuCharme who had backed Joseph in the game to the extent of 400 livres [about eighty dollars]. The court record is as follows:⁴

"Pierre Dorion, Plaintiff,

vs.

Ch. DuCharme, Defendant.

"The plaintiff sues the defendant for having given bond for the named Joseph Desloges, from whom the

³Letter from Dr. Kellogg in files of S. D. State Historical Society.

⁴Translation by Dr. Alvord in Illinois Historical Collections, II, 75.

plaintiff won four hundred livres at cards. He says that he played with Desloges only because of the assurance of his money which the defendant gave by his surety.

"The defendant declares that he acted as bondsman to Joseph Desloges up to the sum of four hundred livres, but says that the said Desloges told him that he had not lost that amount.

"The Court continued the present suit to be decided at the next Court and ordered that the said Desloges be sued by the plaintiff before suit is brought on the surety of the defendant."

No more is heard of the case which perhaps was settled out of court. The facts surrounding it are no reflection upon the plaintiff in the action under the social conditions of the period. The court raised no question pertaining to its jurisdiction to determine the case; and the defendant did not attempt to evade responsibility for the sum actually lost. Everybody in the French settlements played "Twenty-one" for money, and the only reprehensible party was Desloges who sat in a game without quid pro quo if he lost. He remedied that however by getting surety.

When Lewis and Clark were in St. Louis in the winter of 1803-4 they were much associated with the Chouteaus who gave them such assistance as they could.⁵ At that time Pierre Dorion was living at the James River, in the employ of Pierre John Chouteau. The record does not reveal the fact, but the circumstances justify the belief that he was recommended to the explorers by his employer. What the record does reveal is here quoted from the several journals kept by the Lewis and Clark party:

From Clark's Journal, June 12th: "Set out early passed Some bad Placies, and a Small Creek on the L. S. called plumb Creek, [just above the present Glasgow, Missouri] at abt. 1 Ml. at 1 oClock we brought too [to] two Chaussies one loaded with furs & Pelteries, the other with Greece we pur-

⁵Clark's Journal, Sept. 3, 1806, [at Elkpoint] "Mr. Aires * * * informed us * * * the loss of Mr. Cady Choteau's [Pierre Chouteau, Jr.] house and furniture by fire, for this misfortune of our friend Chouteau I feel myself very much concerned." Journal for Sept. 23, [immediately on arrival at St. Louis] "We accepted of the invitation of Mr. Peter Choteau and took a room in his house."

chased 300 lbs of Greese, and finding that old Mr. Durioun was of the party we questioned him untill it was too late to Go further, and Concluded to Camp for the night, those people inform nothing of much information.

"Concluded to take old Durioun, [who went acc] back as fur as the Soux nation with a view to get some of their Cheifs to visit the Presdt of the United S. (This man being a verry confidential friend of those people, he having resided with the Nation 20 odd years) and to accompany them on"

Whitehouse's Journal, same date: "Met with 7 peirogues. Loaded with peltry for Captn Chatto [Chouteau] in St. Louis."

Floyd's Journal, same date: "we met 5 Cannoes from the Soux nations Loaded with peltry and Greece they have been 13 mounthes up the missorea River Delayed 1/2 day with the French, * * * one French man hiard to go with us up the missorea who can Speak the Difrent [languages]."

Ordway's Journal, same date: "Several Frenchman Stayed with us all night coming down the River in Several pearogues Loaded with peltry. Bound to St. Louis. came from the Shew [Sioux] nation. they passed the last winter their & had an emence Site of Buffaloe Green Skins &C We Got an old Frenchman to go with us which could Speak Several languages, among the indians for a long distance,"

It is Whitehouse who informs us that Dorion was in the employ of Chouteau; all agree that he was an old man, which would justify the belief that he was then past fifty.

Thereafter he is frequently in Clark's journal untill the departure of the party from Calumet Bluff, near Yankton, and always with the respectful "Mr. Durion" indicating that he was regarded as a man of quality. It was not usual for Clark to use this title of honor.⁶ At the mouth of the Sioux river he gave Clark an intelligent statement of the geography of the Big Sioux River and the Pipestone quarry.

⁶ August 8, [at mouth of Little Sioux] "Mr. Durion Says whos been on the heads of it, * * *"

August 15, "Sent Mr. Durione the Souix interpeter & three men to examine a fire * * *"

August 21, [at mouth of Big Sioux] "Mr. Durrien our Soues intpr. says is navigable to the falls, * * *"

August 27, [at mouth of James] "We sent Serj. Pryor & a Frenchman with Mr. Durion, the Soues interpeter to the Camp. * * * See August 28.

When they arrived at the mouth of the James River, Dorion, accompanied by Sergeant Pryor and a Frenchman, left the party and went to the camp of his people located not far from the point where the railroads now cross the James and where were his family and other Indians. His son Pierre was carrying on trade there, presumably for Chouteau. When they arrived near the Indian camp the chiefs sent out young men with a buffalo robe to carry them, but Dorion told them they were not the principal men, did not own the boats and did not wish to be carried. The Captains had gone on up to Calumet Bluff, on the Nebraska shore about twelve miles distant from the Indian camp, and there settled down for a rest. It was not until 4 p. m. the next day that Pryor and Dorion arrived on the north shore with a band of Sioux consisting of five chiefs and seventy men and boys. Dorion was accompanied by his son Pierre. A boat was sent across and Pryor and the Dorions ferried over. As it was late the Captains sent Pryor and young Dorion back with some tobacco and some kettles to inform the chiefs that the council would be held the next day, that is, on August 30th. Dorion was sent early to bring the chiefs and the council was held and concluded by a feast. "Mr. Daurion is much displeased that we did not invite him to dine with us (which he was Sorry for afterwards)". Dorion agreed to gather up a party of representative Sioux chiefs and take them down to Washington to visit the president the next spring. Lewis and Clark went on, leaving him with the Yanktons.

The next definite information we have of him is from the journals on the return trip. On September 12, 1806 Lewis and Clark met him in company with Joseph Gravelines, the interpreter to the Arikara, who was returning from his trip to Washington. Dorion was instructed to accompany Gravelines through the Sioux country and to gather up a party of Sioux Chiefs and conduct them to Washington. It is not clear that he did go to Washington with a party of Sioux in 1805 as Lewis and Clark had directed him to do.

In the spring of 1807, Pierre Dorion appeared in St. Louis with a deputation of Sioux chiefs, but Lewis and Clark desired him to return up river with Sergeant Pryor in his attempt to return Big White to the Mandan.⁷ When they arrived at the Arikara they found that tribe hostile and in fighting spirit. Dorion, who had been commissioned as sub-agent, used all his powers and assumed great personal risk in the attempt to quiet them and secure to Pryor and Chouteau peaceful passage. Pryor's report of the enterprise, made October 16 to Captain Clark, has these references to him.⁸ "We arrived at the lower villages of the Ricaras at 9 O'Clock on the morning of the 9th September.

"These people, as soon as we came opposite their village, fired several guns, the shot of which came very near us. The sub Agent Dorion, enquired in the Sieux language 'What they meant'. They replied, 'put to shore we will supply you with corn and oil' * * * *.

"Our Boats proceeded on—Dorion and the interpreter [Rene] Jesseaume went by land * * * *.

"All the Indians were collected on the Beach. They appeared in violent rage * * * *. It was besides my duty to take on board Dorion and Jesseaume.

"Dorion continued in conference [with the chiefs]."

As is well known the whites were violently attacked and driven back with great loss and compelled to return to St. Louis without accomplishing their object.

I find nothing further in any record of Pierre, I after that affair. It is said he lived many years, died and was buried on Mount Marty at Yankton. This is not well established.

The mixed-blood sons of Pierre Dorion and his Yankton wife so far as the records reveal were:

1. Pierre, II, guide to the Astorians, killed in Idaho, January 12, 1813.

⁷Clark's letter narrating this circumstance is on file in the archives of the War Department. Dr. Elliott Coues transcribed it and published it in *Annals of Iowa*, Third Series, I, 614-15, in which the guide's name appears as Wm. Dorion. Recalling Clark's invariable "Mr. Dorion," I wrote Gen. R. C. Davis, adjutant general, to find if a mistake had not been made by Dr. Coues. He replied on Jan. 2, 1926, that the word was clearly "Mr." and not "Wm."

⁸*Annals of Iowa*, Third Series, I, 615-620.

2. Louis, interpreter to Chouteau and Edwards in the treaty council of 1815.
3. Jean Baptiste, signed Trade and Intercourse treaty of the Yankton, 1825; long interpreter at Fort Pierre; the "Old Dorion" of Maximilian, Vol. I, 318.

Of the domestic affairs of Pierre, I, Washington Irving recites the following, without stating his authority for it:

"Old Dorion was one of those French creoles, descendants of the ancient Canadian stock, who abound on the western frontier, and amalgamate or cohabit with the savages. He had sojourned among various tribes, and perhaps left progeny among them all; but his regular, or habitual wife, was a Sioux squaw. By her he had a hopeful brood of half-breed sons, of whom Pierre was one. The domestic affairs of Old Dorion were conducted on the true Indian plan. Father and sons would occasionally get drunk together, and then the cabin was a scene of ruffian brawl and fighting, in the course of which the old Frenchman was apt to get soundly belabored by his mongrel offspring. In a furious scuffle of the kind, one of the sons got the old man upon the ground, and was upon the point of scalping him. 'Hold! my son', cried the old fellow, in imploring accents, 'you are too brave, too honorable to scalp your father!.' This last appeal touched the French side of the half-breed's heart so he suffered the old man to wear his scalp unharmed".⁹ Which may be Mr. Irving's harmless way of adorning his tale.

From what is here collected it is apparent that this head of our first family was of good antecedents, sufficiently literate to write a free hand, respected by his employers and useful in public affairs. He was a better man and a more credible citizen than might be inferred from the desultory references to him by some of the early writers. His descendants, still living in South Dakota, believe his Yankton wife to have been the daughter of a notable chief but there is no record to support the claim.

⁹Astoria-Irving. (Putnam: 1861), 141.

Pierre Dorion, II

Pierre Dorion, II, was born near the mouth of the James River, below Yankton, about 1780. He was the son of Pierre Dorion, I, and a Yankton woman, said by the Indians to have been of good family, the daughter of a chief. Nothing is known of his life until the arrival of Lewis and Clark at Yankton in 1804 when he was already married and engaged in trade. His wife, too, was a Yankton woman, thought by the Indians to be the daughter of the chief of the Yankton band.

Lewis and Clark commissioned the elder Dorion to collect and conduct a party of Sioux chiefs to Washington. Their Journal for August 31 states: “* * * we gave Mr. Peter Dorion, a Commission to act with a flag and some Cloathes & Provisions & instructions to bring about a peace with the Seioux, Mahars, Panies, Poncaries, [Poncas-Ed] Ottoes & Missouries, and to employ any trader to take Some of the Cheifs of each or as many of those nations as he Could Perticularly the Seuouex (down to Wash).”¹⁰ Which indicates that the young man had made a good impression upon the captains for his capacity for important service. Lewis and Clark do not give us anything further about him, except to mention meeting his wife’s brother upon the home trip.¹¹

In 1810 he was in the employ of Manuel Lisa upon the upper waters of the Missouri and that autumn accompanied by his wife and two small sons, returned to St. Louis with Manuel; these boys were Paul and Baptiste aged respectively 2 and 6 years in the spring of 1811.¹²

In St. Louis it was that Wilson Price Hunt, chief of the Astoria party, found him and employed him to accompany that enterprise to the Pacific as guide and interpreter. Bradbury and Washington Irving tell the story of the hiring and subsequent events. Washington Irving’s account follows:¹³

¹⁰See also Hosmer-Expedition of Lewis and Clark, I, 64. Coues-History of the Lewis and Clark Expedition, I, 94.

¹¹Clark’s Journal, Sept. 1, 1806.

¹²References to Bradbury are to Early Western Travels, V. Astoria, 313.

¹³Ibid., 140

"The greatest difficulty was to procure the Sioux interpreter. There was but one man to be met with at St. Louis who was fitted for the purpose, but to secure him would require much management. The individual in question was a half-breed, named Pierre Dorion; and, as he figures hereafter in this narrative, and is, withal, a striking specimen of the hybrid race on the frontier, we shall give a few particulars concerning him. Pierre was the son of Dorion, the French interpreter, who accompanied Messrs. Lewis and Clarke in their famous exploring expedition across the Rocky Mountains. * * * * *

"Of this hopeful stock was Pierre Dorion, the man whom it was now the desire of Mr. Hunt to engage as an interpreter. He had been employed in that capacity by the Missouri Fur Company during the preceding year, and had conducted their traders in safety through the different tribes of the Sioux. He had proved himself faithful and serviceable while sober; but the love of liquor, in which he had been nurtured and brought up, would occasionally break out, and with it the savage side of his character.

"It was his love of liquor which had embroiled him with the Missouri Company. While in their service at Fort Mandan on the frontier, he had been seized with a whisky mania; and as the beverage was only to be procured at the company's store, it had been charged in his account at the rate of ten dollars a quart. This item had ever remained unsettled, and a matter of furious dispute, the mere mention of which was sufficient to put him in a passion.

"The moment it was discovered by Mr. Lisa that Pierre Dorion was in treaty with the new and rival association, he endeavored, by threats as well as promises, to prevent his engaging in their service. His promises might, perhaps, have prevailed; but his threats, which related to the whisky debt, only served to drive Pierre into the opposite ranks. Still, he took advantage of this competition for his services to stand out with Mr. Hunt on the most advantageous terms, and after a negotiation of nearly two weeks, capitulated to serve in the expedition, as hunter and interpreter, at the rate

of three hundred dollars a year, two hundred of which were to be paid in advance.

"When Mr. Hunt had got every thing ready for leaving St. Louis, * * * * Pierre Dorion, at the last moment, refused to enter the boat until Mr. Hunt consented to take his squaw and two children on board also. But the tissue of perplexities, on account of this worthy individual, did not end here.

"Among the various persons who were about to proceed up the Missouri with Mr. Hunt, were two scientific gentlemen; one Mr. John Bradbury, a man of mature age, but great enterprise and personal activity, who had been sent out by the Linnean Society of Liverpool, to make a collection of American plants; the other, a Mr. Nuttall, likewise an Englishman, younger in years, who has since made himself known as the author of "Travels in Arkansas" and a work on the "Genera of American Plants." Mr. Hunt had offered them the protection and facilities of his party, in their scientific researches up the Missouri. As they were not ready to depart at the moment of embarkation, they put their trunks on board of the boat, but remained at St. Louis until the next day for the arrival of the post, intending to join the expedition at St. Charles, a short distance above the mouth of the Missouri.

"The same evening, however, they learned that a writ had been issued against Pierre Dorion for his whisky debt, by Mr. Lisa, as agent of the Missouri Company, and that it was the intention to entrap the mongrel linguist on his arrival at St. Charles. Upon hearing this, Mr. Bradbury and Mr. Nuttall set off a little after midnight, by land, got ahead of the boat as it was ascending the Missouri, before its arrival at St. Charles, and gave Pierre Dorion warning of the legal toil prepared to ensnare him. The knowing Pierre immediately landed and took to the woods, followed by his squaw laden with their papooses, and a large bundle containing their most precious effects; promising to rejoin the party some distance above St. Charles. There seemed little dependence to be placed upon the promises of a loose adventurer of the kind, who was at the very time playing an

evasive game with his former employers; who had already received two-thirds of his year's pay, and had his rifle on his shoulder, his family and worldly fortune at his heels, and the wild woods before him. There was no alternative, however, and it was hoped his pique against his old employers would render him faithful to his new ones.

"The party reached St. Charles in the afternoon, but the harpies of the law looked in vain for their expected prey. The boats resumed their course on the following morning, and had not proceeded far when Pierre Dorion made his appearance on the shore. He was gladly taken on board, but he came without his squaw. They had quarrelled in the night; Pierre had administered the Indian discipline of the cudgel, whereupon she had taken to the woods, with their children and all their worldly goods. Pierre evidently was deeply grieved and disconcerted at the loss of his wife and knapsack, wherefore Mr. Hunt dispatched one of the Canadian voyageurs in search of the fugitive; and the whole party, after proceeding a few miles further, encamped on an island to await his return. The Canadian rejoined the party, but without the squaw; and Pierre Dorion passed a solitary and anxious night, bitterly regretting his indiscretion in having exercised his conjugal authority so near home. Before day-break, however, a well-known voice reached his ears from the opposite shore. It was his repentant spouse, who had been wandering the woods all night in quest of the party, and had at length descried it by its fires. A boat was dispatched for her, the interesting family was once more united, and Mr. Hunt now flattered himself that his perplexities with Pierre Dorion were at an end."

It would appear that Mr. Irving went unnecessarily out of his way to cast a reflection upon Pierre Dorion's honor. There is nothing in the record to indicate that at this or any other time his intentions were not of the best. Mr. Hunt may not have been aware of his dependability, but Pierre at all times stood upon his integrity. That he resisted an unjust claim is rather to his credit than otherwise. A time came as we shall see when Pierre's sense and fortitude perhaps saved the party. I can find no authority for

the tale of the brawl between father and son retailed by Irving, though it may have occurred. Irving's chief dependence was upon the journals of Bradbury and Brackenridge and the notes kept by Mr. Hunt. I have not seen the latter but Bradbury and Brackenridge give nothing upon which the tale might be predicated. Nearly forty years had elapsed before Irving set his hand to write the story of the Astorians and after that period of time such embellishments to the tale must be taken with a grain of salt.

Pierre's first real service came when they were nearing Fort Osage, when the party encamped near a French settlement where he visited one evening and returned to camp with a report of bloody feuds between the tribes upon the river just above.¹⁴ "In consequence of this report, which was subsequently confirmed by further intelligence," says the notable historian, "a guard was kept up at night round the encampment, and they all slept on their arms." Indeed throughout, Irving treats Pierre disparagingly and yet at every point supplies the evidence of his faithfulness.

On the 10th day of April just after leaving Fort Osage we are given another episode in the domestic affairs of the Dorions: "* * They had not proceeded far, however, when there was an outcry from one of the boats; it was occasioned by a little domestic discipline in the Dorion family. The squaw of the worthy interpreter, it appeared, had been so delighted with the scalp dance, and other festivities of the Osage village, that she had taken a strong inclination to remain there. This had been as strongly opposed by her liege lord, who had compelled her to embark. The good dame had remained sulky ever since, whereupon Pierre, seeing no other mode of exorcising the evil spirit out of her, and being, perhaps, a little inspired by whisky had resorted to the Indian remedy of the cudgel, and before his neighbors could interfere, had belabored her so soundly, that there is no record of her having shown any refractory symptoms throughout the remainder of the expedition."¹⁵ Bradbury

¹⁴ *Ibid.*, 151

¹⁵ *Ibid.*, 152

gives the essence of this without its embellishment in a few words.

When they arrived at Crow Creek, just below the Big Bend, Pierre was useful in negotiating passage through the Sioux country, but otherwise does not appear in the record until the present location of Fort Pierre was reached. The story of the boat race between the Astorians and Manuel Lisa has been much exploited. The Astorians being fearful of the friendliness of Manuel and having several days start of him bent every effort to prevent him from overtaking them, while Manuel desiring to join forces with them for the passage of the hostile Sioux country was surpassing all previous navigation records in his anxiety to overtake the Astorians. Thus the race had continued from St. Louis to the Big Bend below Pierre, when one morning to their great consternation the Astorians found Manuel close upon their heels. This was on the third day of June and they proceeded together until the fifth when a heavy rain stopped them at the mouth of Bad river:¹⁶

"On the fifth of July [June] the two parties were brought to a halt by a heavy rain, and remained encamped about a hundred yards apart. In the course of the day Lisa undertook to tamper with the faith of Pierre Dorion, and, inviting him on board of his boat, regaled him with his favorite whisky. When he thought him sufficiently mellowed, he proposed to him to quit the service of his new employers and return to his old allegiance. Finding him not to be moved by soft words, he called to mind his old debt to the company, and threatened to carry him off by force, in payment of it. The mention of this debt always stirred up the gall of Pierre Dorion, bringing with it the remembrance of the whisky extortion. A violent quarrel arose between him and Lisa, and he left the boat in high dudgeon. His first step was to repair to the tent of Mr. Hunt and reveal the attempt that had been made to shake his faith. While he was yet talking Lisa entered the tent, under the pretext of coming to borrow a towing line. High words instantly ensued between him and Dorion, which ended by the

¹⁶ Bradbury, 121; Brackenridge, 107; Astoria, 193-94.

half-breed's dealing him a blow. A quarrel in the "Indian country," however, is not to be settled with fisticuffs. Lisa immediately rushed to his boat for a weapon. Dorion snatched up a pair of pistols belonging to Mr. Hunt, and placed himself in battle array. The noise had roused the camp and every one pressed to know the cause. Lisa now reappeared upon the field with a knife stuck in his girdle. Mr. Breckenridge, [Brackenridge] who had tried in vain to mollify his ire, accompanied him to the scene of action. Pierre Dorion's pistols gave him the advantage, and he maintained a most warlike attitude. In the meantime, Crooks and M'Lellan had learnt the cause of the affray, and were each eager to take the quarrel into their own hands. A scene of uproar and hubbub ensued that defies description. M'Lellan would have brought his rifle into play and settled all old and new grudges by a pull of the trigger, had he not been restrained by Mr. Hunt. That gentleman acted as moderator, endeavoring to prevent a general melee; in the midst of the brawl, however, an expression was made use of by Lisa derogatory to his own honor. In an instant, the tranquil spirit of Mr. Hunt was aflame. He now became as eager for fight as any one on the ground, and challenged Lisa to settle the dispute on the spot with pistols. Lisa repaired to his boat to arm himself for the deadly feud. He was followed by Messrs. Bradbury and Breckenridge, [Brackenridge] who, novices in Indian life and the "chivalry" of the frontier, had no relish for scenes of blood and brawl. By their earnest mediation the quarrel was with great difficulty brought to a close without bloodshed; but the two leaders of the rival camps separated in anger, and all personal intercourse ceased between them."

Dorion does not appear again in the record until the Astorians at Ashley Island had outfitted with horses and started overland to the Pacific, at first passing up Oak Creek Valley past the present Wakpala:

"On the 18th of July," says Irving, "Mr. Hunt took up his line of march by land from the Arickara village. * * * His cavalcade consisted of eighty-two horses, most of them heavily laden with Indian goods, beaver traps, ammunition,

Indian corn, corn meal and other necessities. Each of the partners was mounted and a horse was allotted to the interpreter, Pierre Dorion, for the transportation of his luggage and his two children. His squaw, for the most part of the time, trudged on foot, like the residue of the party; nor did any of the men show more patience and fortitude than this resolute woman in enduring fatigue and hardship."¹⁷

At last we find the historian beginning to show some appreciation. We shall learn that before winter the horse of Pierre Dorion alone remained of the cavalcade to which thirty-six additional animals had been added at the crossing of Grand river south of the present Lemmon; and that this animal, worn and lame was the one resource that stood between the white men and starvation.

The next episode in which Pierre figures, occurred in the Slim Buttes, through which the trail ran.¹⁸

"In one of the evening halts, Pierre Dorion, the interpreter, together with Carson and Gardpie, two of the hunters, were missing, nor had they returned by morning. As it was supposed they had wandered away in pursuit of buffalo, and would readily find the track of the party, no solicitude was felt on their account. A fire was left burning, to guide them by its column of smoke, and the travellers proceeded on their march. In the evening a signal fire was made on a hill adjacent to the camp, and in the morning it was replenished with fuel so as to last throughout the day. * * * Two or three days elapsed, however, without the reappearance of the three hunters and Mr. Hunt slackened his march to give them time to overtake him. * * * *

"On the 10th day of August they encamped among hills, on the highest peak of which Mr. Hunt caused a huge pyre of pine wood to be made, which soon sent up a great column of flame that might be seen far and wide over the prairies. This fire blazed all night, and was amply replenished at day-break; so that the towering pillar of smoke could not but be descried by the wanderers if within the distance of a day's journey. * * * *

¹⁷ Ibid., 220-21.

¹⁸ Ibid., 233.

"They had now travelled for several days at a very slow rate, and had made signal-fires and left traces of their route at every stage, yet nothing was heard or seen of the lost men. It began to be feared that they might have fallen into the hands of some lurking band of savages. * * * *

"On the 13th of August Mr. Hunt varied his course, and inclined westward, in hopes of falling in with the three lost hunters; who, it was now thought, might have kept to the right hand of Big River. This course soon brought him to a fork of the Little Missouri, about a hundred yards wide, and resembling the great river of the same name in the strength of its current, its turbid water, and the frequency of drift-wood and sunken trees.

"Rugged mountains appeared ahead, crowding down to the water edge, and offering a barrier to further progress on the side they were ascending. Crossing the river, therefore, they encamped on its northwest bank, where they found good pasturage and buffalo in abundance. The weather was overcast and rainy, and a general gloom pervaded the camp; the voyageurs sat smoking in groups with their shoulders as high as their heads, croaking their forebodings, when suddenly towards evening a shout of joy gave notice that the lost men were found. They came slowly lagging into the camp, with weary looks, and horses jaded and wayworn. * * * *

"Those only, who have experienced the warm cordiality that grows up between comrades in wild and adventurous expeditions of the kind, can picture to themselves the hearty cheering with which the stragglers were welcomed to the camp. Every one crowded round them to ask questions, and to hear the story of their mishaps; and even the squaw of the moody half-breed, Pierre Dorion, forgot the sternness of his domestic rule, and the conjugal discipline of the cudgel, in her joy at his safe return."

By December 10th the party was a good deal divided by detaching trapping parties to prospect the various streams. But thirty-four souls remained with Mr. Hunt, and they were at the point of starvation. Of the hundred eighteen horses

with which they had bravely left South Dakota only Pierre Dorion's remained.¹⁹

“* * * Mr. Hunt now proposed the sacrifice of Pierre Dorion's skeleton horse. Here he was again met by positive and vehement opposition from the half breed who was too sullen and vindictive a fellow to be easily dealt with. What was singular, the men, though suffering such pinching hunger, interfered in favor of the horse. They represented, that it was better to keep the horse as long as possible without resorting to this last resource. Possibly the Indians, of whom they were in quest, might have shifted their encampment, in which case it would be time enough to kill the horse to escape starvation. Mr. Hunt, therefore was prevailed upon to grant Pierre Dorion's horse a reprieve.”

That evening they came upon a Shoshoni camp with plenty of horses. It is quite certain that Irving does not do Pierre justice in this connection. He was following the true Sioux philosophy. In the extreme wait to the last minute. The men were only echoing Pierre's argument.

On December 30, in the morning:²⁰

“* * * the squaw of Pierre Dorion, who had hitherto kept on without murmuring or flinching, was suddenly taken in labor, and enriched her husband with another child. As the fortitude and good conduct of the poor woman had gained for her the good will of the party, her situation caused concern and perplexity. Pierre, however, treated the matter as an occurrence that could soon be arranged and need cause no delay. He remained by his wife in the camp, with his other children and his horse, and promised soon to rejoin the main body who proceeded on their march.

“* * * In the course of the following morning the Dorion family made its re-appearance. Pierre came trudging in the advance, followed by his valued, though skeleton steed, on which was mounted his squaw with the new born infant in her arms, and her boy of two years old, wrapped in a blanket and slung at her side. The mother looked as un-

¹⁹ Ibid., 303-304.

²⁰ Ibid., 312-14.

concerned as if nothing had happened to her; so easy is nature in her operations in the wilderness. * * *"

January 7, 1812. "In the course of this day's march the recently born child of Pierre Dorion died."

On January 31, they were at the falls of the Columbia: " * * * Notwithstanding a strict guard maintained round the camp, various implements were stolen and several horses carried off. Among the latter, we have to include the long cherished steed of Pierre Dorion. From some wilful caprice that worthy pitched his tent at some distance from the main body, and tethered his invaluable steed beside it, from whence it was abstracted in the night, to the infinite chagrin and mortification of the hybrid interpreter."²¹

The party eventually reached Astoria and built a post there. In the summer of 1812, Pierre was assigned to a party led by John Reed and proceeded to the upper waters of Snake River where they proposed to trap and hunt during the following winter. Beside Dorion and his family there were in Reed's party, Hoback, Robinson, Rezner, LeClerc, Landry and Delaunay. Nothing was heard from them until the next April when a party of the Astorians under the lead of Stuart and McKenzie were proceeding up the Columbia and at the mouth of the Walla Walla some Indian canoes put off from shore and a voice called to them in French asking them to stop. They landed and to their surprise found it was the wife of Pierre Dorion that had called them. Her story is reported by Ross who says, "We shall relate her melancholy story in her own words":²²

"About the middle of August we reached the Great Snake River, and soon afterwards, following up a branch to the right hand, where there were plenty of beaver, we encamped; and there Mr. Reed built a house to winter in. After the house was built, the people spent their time in trapping beaver. About the latter end of September, Hoback, Robinson and Rezner came to us; but they were very poor, the Indians having robbed them of everything they had about fifteen days before. Mr. Reed gave them some clothing and

²¹ Ibid., 324-25.

²² Ross-Oregon Settlers, in Early Western Travels, VII, 265.

traps, and they went to hunt with my husband. Landrie got a fall from his horse, lingered a while, and died of it. De-launay was killed when trapping; my husband told me that he saw his scalp with the Indians, and knew it from the colour of the hair. The Indians about the place were very friendly to us; but when strange tribes visited us, they were troublesome, and always asked Mr. Reed for guns and ammunition; on one occasion they drove an arrow into one of our horses, and took a capot from La Chapelle. Mr. Reed not liking the place where we first built, we left it, and built farther up the river, on the other side. After the second house was built, the people went to trap as usual, sometimes coming home every night, sometimes sleeping out for several nights together at a time. Mr. Reed and one man generally stayed at the house.

“Late one evening, about the 10th of January, a friendly Indian came running to our house, in a great fright, and told Mr. Reed that a band of the Bad Snakes, called the Dog-rib tribe, had burnt the first house that we had built, and that they were coming on whooping and singing the war-song. After communicating this intelligence, the Indian went off immediately, and I took up my children, got upon a horse and set off to where my husband was trapping; but the night was dark, the road bad, and I lost my way. The next day being cold and stormy, I did not stir. In the second day, however, I set out again; but seeing a large smoke in the direction I had to go, and thinking it might proceed from Indians, I got into the bushes again and hid myself. On the third day, late in the evening, I got in sight of the hut, where my husband and the other men were hunting; but just as I was approaching the place, I observed a man coming from the opposite side, and staggering as if unwell: I stopped where I was till he came to me. Le Clerc, wounded and faint from loss of blood, was the man. He told me that La Chapelle, Rezner, and my husband had been robbed and murdered that morning. I did not go into the hut; but putting Le Clerc and one of my children on the horse I had with me, I turned round immediately, took to the woods, and I retraced my steps back again to Mr. Reed’s; Le Clerc, however,

could not bear the jolting of the horse, and he fell once or twice, so that we had to remain for nearly a day in one place; but in the night he died, and I covered him over with brushwood and snow, put my children on the horse, I myself walking and leading the animal by the halter. The second day I got back again to the house.. But sad was the sight! Mr. Reed and the men were all murdered, scalped, and cut to pieces. Desolation and horror stared me in the face. I turned from the shocking sight in agony and despair; took to the woods with my children and horse, and passed the cold and lonely night without food or fire. I was now at a loss what to do: the snow was deep, the weather cold, and we had nothing to eat. To undertake a long journey under such circumstances was inevitable death. Had I been alone I would have run all risks and proceeded; but the thought of my children perishing with hunger distracted me. At this moment a sad alternative crossed my mind: should I venture to the house among the dead to seek food for the living? I knew there was a good stock of fish there; but it might have been destroyed or carried off by the murderers; and besides, they might be still lurking about and see me: yet I thought of my children. Next morning after a sleepless night, I wrapped my children in my robe, tied my horse in a thicket, and then went to a rising ground that overlooked the house, to see if I could observe anything stirring about the place.. I saw nothing; and, hard as the task was, I resolved to venture after dark: so I returned back to my children, and found them nearly frozen, and I was afraid to make a fire in the day time lest the smoke might be seen; yet I had no other alternative, I must make a fire, or let my children perish. I made a fire and warmed them. I then rolled them up again in the robe, extinguished the fire, and set off after dark to the house: went into the store and ransacked every hole and corner, and at last found plenty of fish scattered about. I gathered, hid, and slung on my back as much as I could carry, and returned again before dawn of day to my children. They were nearly frozen, and weak with hunger. I made a fire and warmed them, and then we shared the first food we had tasted for the last three days. Next night

I went back again and carried off another load; but when these efforts were over, I sank under the sense of my afflictions, and was for three days unable to move, and without hope. On recovering a little, however, I packed all up, loaded my horse, and putting my children on top of the load, set out again on foot, leading the horse by the halter as before. In this sad and hopeless condition I travelled through deep snow among the woods, rocks, and rugged paths for nine days, till I and the horse could travel no more. Here I selected a lonely spot at the foot of a rocky precipice in the Blue Mountains, intending there to pass the remainder of the winter. I killed my horse, and hung up the flesh on a tree for my winter food. I built a small hut with pine branches, long grass, and moss, and packed it all round with snow to keep us warm, and this was a difficult task, for I had no axe, but only a knife to cut wood. In this solitary dwelling, I passed fifty-three lonely days! I then left my hut and set out with my children to cross the mountains; but I became snow blind the second day, and had to remain for three days without advancing a step; and this was unfortunate, as our provisions were almost exhausted. Having recovered my sight a little, I set out again, and got clear off the mountains, and down to the plains on the fifteenth day after leaving my winter encampments; but for six days we had scarcely anything to eat, and for the last two days not a mouthful. Soon after we had reached the plains I perceived a smoke at a distance; but being unable to carry my children farther, I wrapped them up in my robe, left them concealed, and set out alone in hopes of reaching the Indian camp, where I had seen the smoke; but I was so weak that I could hardly crawl, and had to sleep on the way. Next day, at noon, I got to the camp. It proved to belong to the Walla Wallas and I was kindly treated by them. Immediately on my arrival the Indians set off in search of my children, and brought them to the camp the same night. Here we staid for two days and then moved on to the river, expecting to hear something of the white people on their way either up or down."

Judge Carey, relating the foregoing story of the disaster to Reed's party says: "Madam Dorion and her two children are last seen, April 4, 1818".²³

The order of events thereafter cannot be determined chronologically. Within a short time Baptiste, the elder child, had been adopted by the chief of the Walla Walla and Madame Dorion, with little Paul, returned to her Dakota home near Yankton, the transcontinental trip being one of great hardship. Soon after, she married the father of Chief Struck by the Ree, and lived until about 1860 when she died at Yankton Agency. Her Sioux name was Wi-hmunke Wakan (Holy Rainbow).²⁴

When he became a man, Baptiste came to Dakota to visit his mother but did not remain long. He was guide to the Townsend expedition on the Columbia in 1833 and in 1843 he is accused by Hines with having incited the Walla Walla and adjacent tribes into a state of hostility by informing them that the whites (missionaries among whom were Dr. Marcus Whitman and his family) had come to subdue them and make them slaves. He probably died in Oregon.²⁵

Parkman found Paul, the younger son, at Fort Laramie in 1846 and thus describes him:²⁶

"* * * A shrivelled little figure wrapped from head to foot in a dingy white Canadian capote, stood in the gateway, holding by a cord of bull hide a shaggy wild horse, which he had lately caught. His sharp, prominent features, and his keen, snakelike eyes, looked out from beneath the shadowy hood of the capote, which was drawn over his head like the cowl of a Capuchin friar. His face was like an old piece of leather, and his mouth spread from ear to ear. Extending his long wiry hand, he welcomed me with something more cordial than the ordinary cold salute of an Indian for we

²³ Carey—History of Oregon, 235. Since this article was written Mr. Carey has supplied a list of references to Madame Dorion that appear in early Oregon and Washington publications. As these references date from 1835 to 1850 they refer, no doubt, to the Walla Walla wife of Baptiste, and not to his mother who would have been advanced in years at that time. The recollection of her immediate descendants in South Dakota is too certain and well supported to doubt the accuracy of their information that she returned to her tribe in this state and died here.

²⁴ Interview with Paul Dorion II by E. E. Morford at Okreek, S. D., January 15, 1926.

²⁵ Hines-Wild Life in Oregon, 165.

²⁶ Parkman-Oregon Trail, 122-23.

were excellent friends. We had an exchange of horses to our mutual advantage; and Paul, thinking himself well treated, had declared everywhere that the white man had a good heart. He was a Dahcotah from the Missouri, a reputed son of the half breed interpreter, Pierre Dorion, so often mentioned in Irving's "Astoria". * * * Paul was a cosmopolitan in his way; he had been to the settlements of the whites, and visited in peace and war most of the tribes within the range of a thousand miles."

Paul was guide and interpreter to Harney in 1855. His belt buckle with his name etched upon it is in the State Museum. Paul had at least three sons, David, Paul II, and Louis. Paul II from whom we have much of the story of the later life of his grandmother, Holy Rainbow, died at Okreek in June, 1926.



Left to right, seated: Louis, Paul II, and David Dorion, sons of Paul Dorion, and grandsons of Pierre Dorion II.

THE EARLY HISTORY OF CLAY COUNTY*

By Harold Edward Briggs.

Introduction

From the time of the first permanent English settlement on American soil until recent years, the development of the West has been a large part of American History.¹ Although various factors have entered into that development, the most important one has been an ever-continuous and shifting frontier. During the last four centuries, no other element has exerted an influence so persistent and strong.²

Clay County is a typical portion of the Middle West and its early history is characteristic of that section. The aim of this dissertation is to give a brief, yet comprehensive, account of the early history and settlement of Clay County as it has passed through the various stages of frontier development.

This movement toward the West, or frontier advance, has passed through various stages at a very unequal rate. It is well, therefore, to distinguish or divide this unequal advancement into various forms or kinds. First in the series comes the fur trader who, because of the inherent nature of his business, passes rapidly over the country. Closely following the fur trader comes either the rancher or miner. Which one of them will follow depends to a large extent upon the nature of the country. Then comes the farmer's frontier, which passes through two forms; firstly, the small farmer, secondly the farmer who works the land more intensively. If the population increases during the second stage and certain other conditions are favorable, the manufacturer appears.³

The West, because of its free land, tended to draw men away from the more densely settled sections of the East. It offered freedom and adventure to those who found conditions

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¹Turner, F. J.; "The Frontier in American History," 1.

²Paxson, F. L.; "The Last American Frontier," 3.

³Turner, 12.

in other areas too restricted. It offered opportunity to those who wished to better their economic condition. "Whenever social conditions tended to crystallize in the East, whenever capital tended to press upon labor or political restraints to impede the freedom of the mass, there was this gate of escape to the free conditions of the frontier."⁴ This westward movement had a great influence on American life and ideals. The very fact of the existence of free land naturally tended to act as a check upon the rather aristocratic influence of the East. It tended to promote democracy, it was productive of individualism, and constituted an "experimental training school in self government."⁵ The pioneer life in the West was hard and difficult, and tended to drive out the weakling. This tendency to sift out the best and most hardy pioneers has left a rather select population, "insignificant in numbers,"⁶ yet whose leaders have "well nigh controlled the nation."⁷ Turner states, "American democracy is fundamentally the outcome of the American people in dealing with the West."⁸

I. Clay County as a Fur-Trading Country

The Missouri Valley was a part of Louisiana, bought by the United States from Napoleon in 1803. In order to facilitate the expansion of the American fur trade into the trans-Mississippi Country, Jefferson planned an exploring expedition in 1804.* Captains Lewis and Clark were selected

⁴ Turner, 259.

⁵ Paxson, 5.

⁶ Paxson, 2.

⁷ Paxson, 2.

⁸ Turner, 266.

* It is hardly fair to the memory of Jefferson to say he promoted the Lewis and Clark expedition in order to facilitate the expansion of the American Fur Trade. It is true he said in his message to Congress that the enterprise would lead the Indian to appreciate the advantages to them of "exchanging what they can spare and we want for what we can spare and they want," nevertheless he proposed to do this through public trading houses, without profit. All this was to be in the interest of the Indian and not the trader; but even this declaration was admittedly something of subterfuge to secure the sanction of Congress for an enterprise for the advancement of knowledge. This was no new thing in Jefferson's career. In 1783 he attempted such an enterprise, through John Ledyard, but the plan was defeated through Russian interference; again in 1793 a second enterprise was promoted through the American Philosophical Society of which Jefferson was the vice-president and chief spirit. The Society paid the expenses of Andre Michaux whose whole interest was in science. This too failed; finally pursuing the same thought of extending the bounds of knowledge, Jefferson resolved to secure the support of Congress in a better established and protected undertaking. In doing this he did hold up possible commercial and political advantage, but in all of his directions to the explorers "the literary," and scientific motive predominated.

to lead a party of forty-five in all on a journey of three thousand miles through an unknown wilderness inhabited only by wild tribes of Indians. They started from Saint Louis in three open boats, on May 14, 1804, and were the first party of American explorers to ascend the Missouri River into the land of the Dakotas. They kept a journal, which gives in some detail the incidents of each day's voyage. This journal gives the earliest written description of that section which is now Clay County.[†] These men, as far as records show, were the first white men to set foot there.⁹

According to their journal, on August 21, 1804, they reached the Big Sioux River, the present eastern boundary of South Dakota.¹⁰ The next day they passed the mouth of the Vermillion River, but camped on the Nebraska shore directly south of where the Milwaukee railroad bridge across the Vermillion is now located. They called the latter stream "the Whitestone," from the Indian name Wasiska, but according to the adopted modern spelling it is Wa-se-ska, and means "red paint."¹¹

Long before reaching the Vermillion the Captains had been informed by Indian tribes of the hill of little devils, called Spirit Mound, which was located near the mouth of the river. On August 25, they decided to examine this mound. Accompanied by ten men they dropped back in a small boat to the mouth of "the Whitestone" (Vermillion), which they state to be about thirty yards wide. Leaving the boat in charge of two men they ascended the bluff on which the City of Vermillion now stands and set out for the mound. After an hour's march they reached the object of their visit. They examined and measured the mound carefully and entered a description of it in their journal. They were quite pleased with the country and their journal states, "The soil of these plains is exceedingly fine, there is however no timber except on the Missouri, all of the wood of the Whitestone River being not sufficient to cover one

[†] The author has overlooked the visit and journal of Charles Le Raye, who visited and very accurately described Spirit Mound in May, 1802. See S. D. Hist. Coll., Vol. IV, 162.

⁹ Armstrong, M. K.; "History and Resources of Dakota," 18.

¹⁰ Robinson, D., "Lewis and Clark in S. D." S. D. Hist. Coll. 9, 527.

¹¹ Ibid, 528-529.

hundred acres thickly.”¹² Thus in 1804 the Journal of Lewis and Clark gives the first historical mention of a conspicuous landmark in Clay County, South Dakota, and we have in their visit the first introduction of white men to the valley of the Vermillion.¹³

Soon after the expedition of Lewis and Clark, the desire for gain stimulated traders and adventurers to penetrate and make long journeys into the wilderness for the purpose of trading with the Indians. During the fall months they transported their goods up the river valleys on pack horses or in rude boats and in the spring would return to their headquarters with their furs and peltries. Many years before the country was open to settlement, the upper Missouri Valley was the theater of a very large and profitable business. The fur trade was civilization's pioneer industry in Dakota, and Clay County was the scene of some of this early activity.

During the early days trading posts were established at places of unusual importance to serve as depots for supplies and as places to collect the articles purchased. In about 1827, the Columbia Fur Company established a trading post at the mouth of the Vermillion River.¹⁴ Little is known of this post either as to its history or exact location. In 1835 a trading post called Fort Vermillion was built by the American Fur Company of Saint Louis. It was situated on the bank of the Missouri River about two and one half miles below the present village of Burbank.¹⁵

This post was visited in early times by several travelers and pioneers. Audubon, the famous naturalist, visited it in 1843. His object in making the trip thru this section of the country was to secure material for a book published a few years later. His journal states “on May 16th we reached Fort Vermillion, if the place may be so called, for we found it only a square, strongly picketed, without portholes. It stands on the immediate bank of the river and is backed by a vast prairie, which is inundated during the spring

¹² Robinson, D.; “History of South Dakota” 1, 61.

¹³ Kingsbury, G. W.; “History of Dakota Territory,” 1, 11.

¹⁴ Robinson 1, 95.

¹⁵ Kingsbury 1, 126.

freshet.”¹⁶ Father Ravoux, a Catholic missionary, who worked a great deal among the Indians visited Fort Vermillion in 1845, while on one of his trips. He describes the place in his Memoirs.¹⁷ In August 1844, a colony of Mormons, numbering ninety persons, with thirty wagons, left the State of Illinois to explore the Rocky Mountain region and to find a new location for their church. They spent the winter at Council Bluffs, Iowa,* and in the fall of 1845 reached Fort Vermillion, where they spent the winter of 1845 and 46.¹⁸ A member of this colony later wrote, “In the spring of 1845 we headed west across the plains of what is now Dakota, but at that time was uninhabited except by wild Indians. We struck the Missouri River twenty miles below Vermillion, where we ran into four or five fur traders who lived at the fort. The river there being high and our company not having boats to cross it with, thru the kind invitation of the fur traders we accompanied them down to the fort and there spent the balance of that season and the following winter.”¹⁹

A trading station called “Dickson’s” post was built about the same time as Fort Vermillion. According to all reports it stood about two miles east of the present village of Gayville on the bank of the Missouri, not far from the present boundary line between Yankton and Clay Counties.²⁰ It was a small station and was named after an old trader, William Dickson, who had been in this country since 1804 or 5. It stood only a few years, the American Fur Company absorbing the company that built it.²¹

¹⁶ Robinson 1, 140.

¹⁷ Robinson, D.: “History of the Sioux Indians,” S. D. Historical Collections 2, 198.

* They did not spend the winter at Council Bluffs. The Emmett party left Nauvoo, Illinois, in August, 1844, and spent the following winter on the head-waters of the Iowa River. In the spring of 1845 “we headed west across the plains of what is now Dakota.” In the early spring of 1846, having made preparations to open up a large farm at Fort Vermillion, they received orders to pull up stakes and hike for Utah, which they did, going down to Council Bluffs to join the main party. See Riddle’s letter, *Monthly South Dakotan*, Vol. IV, p. 398. See next note.

¹⁸ *Kingsbury* 1, 126. This is verified by a letter of February 23rd, 1902, written by Isaac Riddle of Provo, Utah, to Franklin Taylor of Vermillion. Mr. Riddle at the time of the visit to S. D. was fifteen years of age and a member of the Company mentioned (*Monthly South Dakotan*, Vol. 4, 398).

¹⁹ *Monthly South Dakotan* 4, 398.

²⁰ *Kingsbury* 1, 46 and 126.

²¹ *Kingsbury* 1, 46 and 126.

The fur trader had practically disappeared from this section before the establishment of agricultural settlement and therefore influenced the settlement but little. All the posts were abandoned before towns were founded, altho towns were afterwards built near the sites of some of the early posts. This is true of Burbank. In 1855 the American Fur Company sold to the United States Government its most important post, Fort Pierre, which became the first military post of this region. The price paid was \$45,000, which shows the size of the post and the value of the fur business when the post was built.²² The post at Vermillion was in charge of Larpenteur, a well known trader, as late as 1850.* It was abandoned in 1854 or 55 because the fur trade at that time was no longer sufficient to maintain a post.²³ When this territory was opened to settlement in 1859 its site was still discernible, but since then the ground on which it was located has been swallowed up by the Missouri River.²⁴ Many of the smaller fur bearing animals, especially the muskrat, mink and skunk, increased again after the fur trade had declined and their furs later helped many pioneer farmers to establish themselves.²⁵

II. Early Settlement and County Organization

During the latter part of the fur-trading period, before the time of permanent settlement, several men made temporary homes for themselves in the vicinity of the Vermillion Valley. Among these was Alec C. Young who came to Dakota in 1834. After following the trading business for nearly twenty years, he abandoned it, and with his Indian family, settled near old Fort Vermillion. He built a dwelling at, or very near, the present village of Burbank in 1855. This place was known among the early settlers as

²² Visher, S. S.: "The Geography of South Dakota," 133-134. Altho some of the early trading posts were called forts, they were not military garrisons with troops. These were not established until the fur trade declined in importance.

* Charles Larpenteur, 1833-1872, long a trader of the American Fur Company kept a crude daily journal of his experiences in the wilderness, which, falling into the hands of Elliott Coues, was edited and published by him in 1898, under the title "Forty Years a Fur Trader on the Upper Missouri." New York Francis P. Harper.

²³ Kingsbury 1, 126.

²⁴ Kingsbury 1, 126.

²⁵ Visher, 134.

"Alec C's Point." In 1857 Charles V. Cordier joined Young and lived there until his death several years later. Young, however, abandoned his home at "Alec C's Point" and moved to the Yankton Indian reservation about the time the Indians left Yankton.²⁶

In the year 1857 or 1858 Frost, Todd and Company of St. Louis built a cabin near the mouth of the Vermillion River known as the "trading post." Henry Kennerly resided at the post as its agent until 1859 when this section was opened for settlement. The object in erecting the post, according to early settlers, was to secure the location for townsite purposes. They merely squatted on the yet unsurveyed land, the Indian title of which had not yet been extinguished.²⁷ They expected to enter claims for certain portions of the land as soon as the Indians were out of the way and the land surveyed. Messrs. Frost and Todd closed out their business late in 1858. When the territory was thrown open to settlement, they made claim, based on their former occupancy, to two quarter sections embracing a large portion of the old Vermillion townsite. In the meantime, however, this land had been occupied by other parties and as a result many conflicting claims occurred.²⁸

Speculators and settlers alike used the pre-emption law of 1841 to good advantage. The law provided that in case government land was not surveyed, a prospective settler could squat upon a desirable piece and hold it until the surveyors had completed their work. Then he could file on it at the government office.²⁹ The first surveys in Dakota were made by two government surveyors, James Snow and Stephen Hutton. In the summer of 1859, these men surveyed and marked the eastern boundary of the later Dakota Territory from Big Stone Lake to the Iowa line. The same season, Lewis, the United States Surveyor-General at Dubuque, let a contract to a man named Neeley to run township lines in southeastern Dakota extending west to

²⁶ Kingsbury 1, 127.

²⁷ Kingsbury 1, 127-128.

²⁸ Kingsbury 1, 127. Andreas, A. T.: "Historical Atlas of Dakota", 133. Peterson, E. F.: "Atlas of Clay County," 1-2.

²⁹ Foster, J. S.: "History of Dakota," 84.

the Vermillion River. Some of this work was done during the fall of 1859. In the spring of 1860 Congress appropriated \$14,000 to be expended by the Surveyor-General at the Dubuque office. He was persuaded to spend the entire amount in surveying the newly acquired public lands in southeastern Dakota. A contract was given to two surveyors, Ball and Darling, who with a party left Dubuque late in 1860. All township lines between the standard line and the Missouri River were run. In addition two fractional townships were subdivided at Yankton, two at Vermillion³⁰ and one at Elk Point. With these surveys the pre-emptors were enabled to adjust their claims under the direction of surveyor Armstrong.³¹

During the late fifties the spirit of speculation and the desire to take advantage of the opportunities offered in a new territory were strong in many of the eastern states. Powerful pressure was brought to bear upon the government to secure the relinquishment of the Indian title to the land in what is now southern and eastern South Dakota. The reasonable argument was advanced that the safety of the Minnesota and Iowa frontiers demanded that the Indians be brought under control in reservations near to military posts. In 1857, Captain J. B. S. Todd was appointed by the Indian office to negotiate a treaty with the Yanktons for the sale of a portion of their lands.³²

In 1858 after considerable negotiation treaties were formed with the Yankton and Ponca Indians. They provided that these two tribes were to cede to the United States Government about sixteen thousand acres of land lying in the southern part of what is now South Dakota.* These lands were watered by the Big Sioux, Dakota, Vermillion and Niobrara Rivers and were the choicest portions of the Sioux

³⁰ Goodfellow, F. J.; "Early Surveys". S. D. Hist. Coll. 5, 352-63. Townships subdivided in Clay County were number ninety-two, range fifty-two and fifty-three. They were immediately adjoining the village of Vermillion.

³¹ Ibid, 353. Kingsbury 1, 74-76.

³² Armstrong, 31. Johnson, W. E.: "S. D. a Republic of Friends," Chapter 7. Robinson 1, 172.

* The Yankton treaty of 1858 ceded to the United States all of the land lying between the Sioux and Missouri Rivers, as far north as a line extending approximately from Pierre to Watertown and containing more than twelve million acres. Out of this region was excepted 400,000 acres reserved for the Yanktons in Charles Mix County.

Nation's territory. The United States Government agreed to pay about two million dollars in fifty annual installments. There were also stipulations requiring the Indians to move within a year to their new reservation which was on the east side of the Missouri River in what is now Charles Mix County.³³ In July 1859 the Yankton tribe accordingly began to abandon the lands indicated in the treaty.³⁴ In this year, then, began permanent settlement of Clay County. Scarcely had the Indians left, than there was an influx of settlers who were anxious to get land and establish homes.³⁵

Even during the years of 1857 and 1858 settlers had been gathering on the borders of the Indian lands in this section waiting for the consummation of the Indian treaties. Many families collected on the Nebraska side of the Missouri opposite to what is now Clay County, so as to be able to take immediate possession of claims as soon as the Indians vacated. Some even ventured to cross the river before the Indians left, stake out their claims and erect cabins.³⁶

A. C. Van Meter was one of these who crossed the Missouri before the Indians left. In 1857, probably even before Frost and Todd built their post or cabin on the town-site of Vermillion, he built a rope ferry across the Vermillion River. About the same time, he erected a cabin, probably the first house to be built in what is now Vermillion. It was built near an old elm tree which stood for years in front of Miner's hotel.³⁷

After Frost and Todd located at Vermillion, Van Meter evidently vacated his own cabin and lived part of the time at the post. But he apparently called the cabin his home as he later claimed a piece of land where it stood. He married a mixed-blood Yankton woman and lived at Vermillion for several years. He was employed by the United States Government to carry mail from Sioux City to Fort Randall. It is certain that Kennerly, the agent at the post, and Van Meter were contemporaries during this early period.³⁸

³³ Robinson 1, 56. (Map)

³⁴ Batchelder, G. A.; "History of D. T.," 20. Robinson 1, 172-173.

³⁵ Robinson 1, 173.

³⁶ Foster, 81.

³⁷ Kingsbury 1, 127. Armstrong. 33.

³⁸ Kingsbury 1, 127.

In the years 1858 and 1859, various families settled in the vicinity of what is now Burbank, formerly called Alec C's Point. A man by the name of Charles Victor squatted on a claim there in 1858 and Miles Hall did likewise in the spring of 1859.³⁹ Frank Verzani crossed the Missouri in a canoe on November 13th, 1860, and occupied a cabin built by a squawman Randal. Verzani moved his family into the little cabin and took a squatter's right to the land. This cabin was located about three miles southwest of what is now Burbank, not far from the Missouri River.⁴⁰

In the summer of 1859 a small group of Norwegians came into the Vermillion Valley. They came from North Bend, Nebraska, and took up land not far from the present village of Meckling. Ole Olson, Halvor Swenson and Sivert Myhren and their families were in the party. They were the first farmers to settle in that section and their claims were not far from the old Lincoln Stage station. The first building at Meckling was the "Eight Mile House," a sort of hotel built by Halvor Swenson in 1860.⁴¹

James McHenry, George and Parker Brown and Marcella Lathrop settled at Vermillion in July or August of 1859. They came from or near Ponca, Nebraska, and were the first settlers on the townsite after the territory was opened to settlement. Mrs. George Brown and Mrs. Marcella Lathrop are considered the first white women to settle in what is now Clay County. James McHenry built a store and was Vermillion's first merchant. The Brown brothers built a log structure near the old trading post. This building was bought soon afterwards by Captain Miner and used as a hotel. A little later this first group was increased by Miner Robinson and his family and John Listrop. In 1859 there was a considerable influx of settlers in the Vermillion Valley and at Vermillion. While the increase was not in overwhelming numbers, the majority of the immigrants who came in were of the most substantial character. They were nearly all farmers. Among the newcomers were the

³⁹ Kingsbury 1, 127.

⁴⁰ Goodfellow 5, 362-63.

⁴¹ Kingsbury 1, 127-128.

following: Ole Bottolfson, John Aalseth, August Bruyer, Aslak Iverson, Alexander Lancrease, John Gidure, Miles R. Hall, Franklin Taylor, Chris and Lewis Larson, Nelson Cusick, Cornelius Andrews, and Dr. Franklin Caulkins.⁴²

Dr. Caulkins came to Dakota in 1859 and was first employed as an Indian doctor by the agent of the Yankton tribe. Owing to some difficulty between him and the agent in regard to the mode of vaccinating the Indians for the prevention of smallpox, he left the agency and came to Vermillion in the fall of 1859. There was little demand for his professional services and it was necessary for him to resort to other kinds of work for a livelihood. He frequently cut wood or clerked in James McHenry's store.⁴³

During this period, Vermillion was becoming quite a village. Some of the dwelling houses were moved over from Nebraska, but most of the pioneers built one roomed log houses from the timber along the river. Dugouts were frequent the first winter. Some breaking was done during the late summer and fall of 1859 but it was too late to grow crops that year. Food and supplies were hauled from Sioux City, which was the nearest point for securing them. Many Indians still remained in the country, but caused no trouble and were generally regarded as honest and trustworthy.⁴⁴

During the spring and summer of 1860 immigration continued into the Vermillion Valley and many new homes were built. The more speculative settlers located on the townsite of Vermillion but many sturdy Norwegian farmers settled on the rich bottom lands of the Vermillion River. Among the newcomers at Vermillion were Jacob Deuel and Hugh Compton who arrived in February bringing with them a sawmill which they put into operation on the west bank of the Vermillion River in some heavy timber bordering the Missouri. These men also opened a little store in the village. Later the partnership was dissolved, Deuel taking the mill and Compton the store.⁴⁵ Compton became the first

⁴² Dakota Republican, January 16, 1879. Kingsbury 1, 127-128.

⁴³ Taylor, F.: Scrap Book 1, 3.

⁴⁴ Questionnaires from early settlers.

⁴⁵ Dakota Republican, January 16, 1879. Taylor 1, 1-5.

postmaster receiving the appointment at the time the office was established in 1860. Other new arrivals were John W. Boyle, Henry D. Betts, Jacob A. Jacobson, Bligh E. Woods, Nelson Miner, A. W. Puett. S. B. Mulholland built the first hotel and the site was afterwards used for the St. Nicholas house. William Shriner, one of the new settlers, brought his sister Cassandra with him. She became the wife of A. A. Partridge, their marriage being the first contracted in this vicinity.⁴⁶

In 1861 more settlers came in and the population of Vermillion was further increased by the arrival of A. J. Harlan, an ex-member of Congress from Indiana, G. B. Bigelow, N. V. Ross, Henry S. Kelley and numerous others.⁴⁷

The Federal census of 1860 gives the population of Dakota Territory as 2,376. Of this number 202 lived in Clay County.⁴⁸ According to the census taken by Governor Jayne in 1861,⁴⁹ the growth was considerable.

	Males	Females	Half Breeds
East Vermillion	152	106	7
West Vermillion	131	88	

Total	484
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No great changes took place in these early years. It was a busy time for the settlers, a time of hard work, privation and homesickness. Improvements were made, more land broken, and more crops planted. Immigration continued and the Indians remained friendly. In spite of the hardships of pioneer life that were experienced, this seemed to be a period of peace and growing prosperity. The settlers began to think of this as "home" altho we can easily imagine the wistful looks that must often have been turned across the treeless prairie in the direction of their old homes.

The winter of 1860 and 1861 was rigorous, especially during the latter part. The snowfall was heavy, at least three feet on the level. High winds prevailed and the drifts were deep. Various old settlers have described it as a

⁴⁶ Kingsbury 1, 128-129.

⁴⁷ Taylor 1, 6-7.

⁴⁸ "Census of 1860." S. D. Hist. Coll. 10, 396.

⁴⁹ Sioux City Journal, August 20, 1914, 13.

blizzardy winter. It was also a winter of great excitement and alarm caused by the secession from the Union of nearly all the southern slave states. Events pointed to war. The inauguration of Abraham Lincoln as president was a signal for it to begin. This section of the country, however, took little part in the controversy during the first year.⁵⁰

A letter from one of the early pioneers to his family, written at Vermillion December 15th, 1861, describes the conditions of early pioneer life: "I will now let you know the whole truth as to our circumstances. It was so late when we got here that I could do little trapping as the river froze over. We have had all we could do to make a living but have managed to get some provisions for our mules and horses. There is no money here so we cannot get money for our work. Our claims are all safe. The boy's boots are nearly worn out and no prospects of any new ones. No person gets any credit here in the stores. They have regular hoedowns every week or two in town and nearly everybody attends. I will go to Sioux City tomorrow or some day soon, partly for ourselves and others to get flour. They may want cornmeal. The corn cracker here has refused to grind corn. We will have pretty hard times here for one or two years until we get to raising enough to live on. Claims are worth but little and will be as long as there are so many claims vacant. Many have left Nebraska to come over here either for speculation or to make themselves homes. The capital will be located here or at Yankton but I think it will be here. This place will make a big town whether the capital is here or not."⁵¹

By the fall of 1859, two attempts had been made by the people of Sioux Falls and vicinity to elect delegates to Congress and to receive recognition as a territory. Both of these attempts failed. The people in this section of the country (Yankton and Vermillion) paid no attention to what was going on at Sioux Falls.⁵² On November 8th, 1859, a meeting of the citizens of Yankton and vicinity was held

⁵⁰ "The Winter of 1860 and 1861," *Monthly South Dakotan* 3, 166.

⁵¹ "A Pioneer's Letter Home," *S. D. Hist. Coll.* 6, 201-203.

⁵² Robinson 1, 180-184.

to consider a territorial organization and for the purpose of drawing up and signing a memorial to Congress, praying for a legal form of government. The citizens of Vermillion held a meeting the next day at the home of James McHenry. Upon motion, J. A. Denton was called to the chair and James McHenry was appointed to act as secretary. The object of the meeting was explained and a committee of three was appointed to draft resolutions expressive of the wants of the people. This committee on resolutions reported the preamble and memorial of the Yankton meeting and they were unanimously adopted.⁵³ This memorial was a strong paper and had been prepared with considerable care. Though it failed to secure the affirmative action of Congress at this time, it seemed to have made a good impression upon its members.

The winter of 1859 and 1860 was a dull one and the question of territorial organization was all-absorbing. The settlers felt that they would be seriously handicapped until Congress furnished them an organized government under which, secure in their property rights, they could go on with their work of improvement. Todd spent the winter in Washington, working among the members of Congress, doing everything within his power to facilitate the passage of an organic act. But he was unsuccessful as Congress finally adjourned leaving the territory without a government. This condition served to act more or less as a damper on most enterprise during the year of 1860.⁵⁴

On January 15th, 1861, a second mass convention was held at Yankton for the purpose of promoting the long deferred territorial organization. The time did not seem to be opportune but General Todd who had spent considerable time in Washington, doing everything possible, felt it was the people's duty to support his efforts. An earnest and well prepared memorial was drawn up by the convention and signed by 478 pioneers. This probably included some Indians in addition to the regular white population.

⁵³ Armstrong, M. K. "A Burning Issue of 1859," *Monthly South Dakotan* 4, 73-74.

⁵⁴ Robinson 1, 188.

Fortune seemed to favor the pioneers in spite of the discouraging circumstances. On March first, 1861, a bill to provide a government for the territory of Dakota, and to create the office of Surveyor General therein, passed both houses. It was signed by President Buchanan, March second.⁵⁵ The news did not reach Dakota until March 13th, as telegraph lines were scarce, and information of this sort traveled slowly. When the news reached Vermillion it found the pioneers in a good mood to receive it, and a holiday was declared. It was an occasion not soon to be forgotten as the creation of Dakota as a territory was rightly regarded as an important progressive step in her career.⁵⁶

The name, "Dakota," had been applied to this country after the admission of Minnesota as a state in 1858. It was taken from the name of the powerful Indian Nation that claimed and occupied the greater portion of the territory at that time. The word "Dakota" is derived from the word "Koda" of the Santee and "Kola" of the Tetons signifying friend. It means "friends" or "allies" or "an alliance of friends." The Teton or Western Sioux use the letter "L" for "D", hence Lakota is sometimes used instead of Dakota.⁵⁷

President Lincoln was inaugurated March 4th, 1861, and at once appointed the officers for Dakota Territory as provided by the Organic Act. He made his friend and former physician, William Jayne, of Springfield, Ill., governor. The people in the vicinity of Vermillion and in Dakota in general were anxious for the arrival of these officials so they could be once more under the protection of an organized government. At this time Vermillion, Yankton, and Bon Homme were all aspiring to capital honors and were anxious to impress the officials as they came thru. Every Sioux City stage coach was watched and it was finally announced at Vermillion that Governor Jayne would pass thru the town upon a certain day. An elaborate banquet was prepared and his coming awaited. A dignified looking gentleman, driving a fine horse and buggy arrived presently, and was received by the committee and escorted to the banquet hall. After

⁵⁵ Kingsbury 1, 169-170.

⁵⁶ Robinson 1, 188.

⁵⁷ Taylor 1, 20.

the banquet it was discovered that their guest was G. B. Bigelow one of the pioneer settlers of Dakota. The real governor and his secretary Hutchinson arrived in Vermillion on May 28th and stayed an hour or two in the village before passing on to Yankton. During the early summer the Governor caused a census to be taken. Andrew J. Harlan, of Vermillion, was appointed one of the agents and his returns were as follows: East Vermillion 263, West Vermillion 219. The total white population of the territory was 2402. The 484 inhabitants in the vicinity of Vermillion numbered about one-fifth of the entire population.⁵⁸ On July 13th, a proclamation was issued dividing the territory into judicial districts. The division was made leaving Vermillion, Yankton and Bon Homme in different districts. Judge L. P. Williston was assigned to the Vermillion district. On the 29th day of July, Governor Jayne issued his second proclamation, which divided the territory into council and representative districts and appointed September 16th as a general election day to elect a delegate to Congress and members to the territorial legislature.

There was a hot political contest over the election of the Congressional delegate. Two newspapers had already been established in the territory; the Weekly Dakotian at Yankton, and the Dakota Republican at Vermillion. As soon as the governor's proclamation was sent out, Captain J. B. S. Todd announced himself as an independent candidate. He was supported by the Yankton Dakotian. On June 1st, a union convention was held at Vermillion for the purpose of bringing into the field a candidate in opposition to Captain Todd. A. J. Bell was nominated and was supported by the Dakota Republican. A little later C. P. Booge of Sioux City announced himself as an independent candidate. He had no newspaper to back him but was very energetic and carried on a spirited campaign. Little was really known by the settlers about any of the candidates, altho many had perhaps heard of Captain Todd. Of the 585 votes cast, Todd received 397, Booge 110, and Bell 78. At the

⁵⁸ Taylor, F.: "The Settlement of Vermillion," Sioux City Journal August 20, 1914.

same election members were chosen for the territorial legislature. The vicinity around Vermillion had been divided into two districts, East Vermillion and West Vermillion. Each of these districts made up a representative and council unit.⁵⁹ The result of the election was as follows: East Vermillion elected Lyman Burgess for representative and H. O. Betts for the council. West Vermillion chose J. A. Jacobson as their representative and Jacob Deuel for councilman. Shortly after the election the newspapers at Vermillion and Yankton suspended publication* and the federal officers returned to their homes for the winter.⁶⁰

The county in both origin and function is the most important unit in all the states of the Union except those in the New England and Middle Atlantic sections. In most places, where the county is a political unit, there exists a certain feeling of county pride, a feeling of solidarity and common interest which makes the county quite important as a unit of historical study. In South Dakota, we have various types of counties as to occupation. The most important are the agricultural, the mining, the grazing and dairying. The chief occupation of Clay County has always been farming and dairying. It is an excellent example, therefore, of a purely agricultural region.

The organization of Clay County was effected by an act of the first territorial legislature which met the next spring. It was approved by Governor Jayne April 10th, 1862.⁶¹ Jacob Deuel, a member of the territorial council from the West Vermillion district introduced the bill, naming the county for Henry Clay, the American statesman.⁶² It is the smallest county in South Dakota and is located near the southeastern corner of the state. It is eighteen miles wide, twenty-two miles long on the western and twenty-seven miles long on the eastern boundary and contains 406 square miles.

⁵⁹ Sioux City Journal, Aug. 20, 1914. Kingsbury 1, 178-187.

* The Dakota Republican did not at once suspend in any real sense. Some issues were omitted from necessity, but so nearly continuous was it that No. 39 of Volume I, was issued July 2, 1862. The Dakotan did not suspend at all, although a few issues were omitted during the Indian outbreak of 1862, but at that one or more issues were printed in the Yankton Stockade.

⁶⁰ Taylor, Sioux City Journal, August 20, 1914.

⁶¹ Session Laws 1, 242.

⁶² Council Journal 1862, 47.

It is bounded on the north by Turner and Lincoln Counties, on the east by Union County, and on the West by Yankton County. The Missouri River washes its southern boundaries and running in a southeasterly direction, separates it from Nebraska.⁶³ The Vermillion River, rising in Kingsbury and Lake Counties, passes thru Clay County, running in a southerly direction, and flows into the Missouri River at Vermillion. The valley of the Vermillion varies from a mile to ten miles or more in width and its soil is very fertile. The bluffs along the Missouri River in the vicinity of Vermillion rise seventy or eighty feet above the river. Farther up the Vermillion River they are very similar in character, but are somewhat lower in altitude. Spirit Mound, a conical elevation about eighty feet in height, is located near the center of the county about eight miles north of Vermillion. There are numerous springs and a few smaller streams in addition to the Vermillion River and the county as a whole is well watered. The bulk of the county consists of a gently rolling prairie. The soil is in most places a deep rich loam with other alluvial deposits. In some places it is so free from sand as to form gumbo and in other places it is rather sandy. There is a porous subsoil and the land in its natural state produces heavy grasses. Mixed farming with diversified crops is the general rule with as large an acreage of corn as rotation of crops and economy of labor will permit. In the very early days sod corn was the main crop, but this changed rapidly to wheat. Then corn came in again and many hogs and cattle were raised. Later fruit and berry crops developed, especially in the southern section.⁶⁴

III. Hard Times on the Frontier. 1862-1868

Following the secession of the South, a great wave of patriotism swept over the Northern States. The people of Dakota Territory, altho few in numbers and far from the scene of action, felt its effects and early began to agitate for the organization of a regiment of soldiers for

⁶³ Peterson, E. F.: "Historical Atlas of S. D.," 129. This volume should not be confused with the "Atlas of Clay County" by Peterson.

⁶⁴ Peterson, "Clay County" 56. Peterson, Atlas of S. D., 129-130.

the war. Nelson Miner of Vermillion and William P. Lyman of Yankton were enthusiastic leaders in the movement. Miner, in the winter of 1861 and 1862, began to recruit cavalry at Yankton and Vermillion. When a sufficient number (98) had been secured, a company was organized and John Hutchinson, acting governor, commissioned the following officers, elected by the recruits: Captain, Nelson Miner; first lieutenant, J. K. Fowler; second lieutenant, Fredrick Plughoff. The men at once went into quarters at Yankton and were carefully and severely drilled, altho they received no pay and were not mustered into service as Company A until April 30, 1862. Governor Jayne immediately received an order from the War Department placing the company under his immediate direction as a home guard. There was some opposition to the movement at that time, as it was thought by many to be an unnecessary expense, and likely to add to the power of the Governor.¹

The summer of 1862 was one of peace and prosperity in southeastern Dakota.² While the settlers were busy gathering the abundant harvest, the news reached Vermillion of the bloody massacre in Minnesota by the Sioux. The story was very much exaggerated and told of hundreds of people being killed in a few days. This band of hostile savages was said to be moving westward to attack the defenseless settlements of Dakota. A few days before this, news had been received of the murder of Joseph B. Amidon, county judge and treasurer of Sioux Falls, and his son by unknown savages, while haying on their farm just north of town. The entire population of Vermillion and vicinity were thrown into great confusion. The people were badly frightened and began to realize that the situation was really desperate. Governor Jayne acted promptly and sent word to all the outlying settlements that the population should concentrate at Yankton. He also issued a proclamation calling upon the settlers to organize military companies for protection and defense without delay. The citizens of Clay County were ordered to meet at Vermillion.³

¹ Armstrong, *The Empire Builders*, 33. Robinson 1, 202-204.

² Kingsbury 1, 233.

³ Kingsbury 1, 235-244. Robinson 1, 205-207.

About this time Captain Miner and his squad of cavalry left their headquarters at Vermillion on a scouting trip. They discovered a small band of Indians on the lake shore at Gayville and sent a soldier to Vermillion for help. This man, instead of obeying orders, rode thru the settlements and sounded the alarm. He told the settlers that the whole Yankton tribe was on the warpath and had attacked the upper settlements and that Captain Miner was holding them in check at the James River until the settlers could escape. Such a message coming at this time of excitement could have but one effect. The people became panic-stricken and in a short time a stampede began. Cattle and hogs were turned loose, a few personal effects gathered up, and in twelve hours a great many of the Clay County settlers had either crossed the Missouri River or departed for Sioux City. As Captain Miner did not return to Vermillion but went on to Yankton, the town was without protection and by evening the only settlers left were Henry Kennerly and seven other men who spent the nights on a small island in the Missouri. For a brief time Clay County was virtually abandoned. Altho a great many of the settlers returned within a few days, many sent their families east to stay with relatives and friends until the Indian troubles were over. Most of the men came back, and when the feverish excitement had died down, they took courage. A stockade was built at Vermillion and the people of that vicinity resolved to defend their possessions.⁴

The Scandinavians who had settled and occupied the bottom lands of the Vermillion Valley are said to have exhibited considerable courage and bravery in the face of these difficulties. Altho many of them left their homes for a short time during the first stampede, not one was known to have abandoned his claim permanently during the Indian troubles. They were a considerable distance from any stockade or military protection and were exposed for many months to the dangers of wandering bands of hostile savages.⁵ Accustomed duties were resumed in all parts of

⁴ Kingsbury 1, 239-240. Robinson 1, 207-208.

⁵ Kingsbury 1, 240.

the county and the fear of an Indian attack slowly wore away. But a feeling of uneasiness existed for many months and a careful watch was maintained.

On October 7, 1862, Governor Jayne attempted to raise eight companies of about forty men each, for a period of nine months. His idea was to turn them over to General Pope for service on the Dakota frontier. By December, it became apparent that it would be impossible to secure that many men, and the various parties of recruits were consolidated by the governor and called Company B volunteer cavalry. William Tripp was made captain and J. R. Wood, first lieutenant. Recruiting continued all winter and on March 1, 1863, the company was mustered into the service of the United States. Several of the non-commissioned officers and a number of the privates in the company came from Clay County.⁶

The campaign of 1862, though not particularly decisive, drove the hostile Indians further away from this section and stragglers were not as likely to be found skulking around as before. On the evening of May 5, 1863, Axel Jacobson and T. W. Thompson from Vermillion were attacked by the Indians, as they were camped for the night by the James River ferry. Jacobson was killed and Thompson was severely wounded. Incidents of this sort tended to keep the settlers in constant fear and ever on the alert.⁷ The Indian war continued in 1864, and Company A wintered at Vermillion. They were constantly on the watch for hostile Indians, but nothing of importance happened in this locality. During 1865, the Indians were still hostile but all encounters were at a distance. In February of this year, Governor Edmunds⁸ of Dakota visited Washington, and was appointed by President Lincoln to head a peace commission to negotiate with the unfriendly Indians. He, with five other men, met the hostile tribes at Fort Sully and signed treaties with the Yanktons and with each of the seven bands of Teton. These treaties were ratified by the Senate and proclaimed by

⁶ Robinson 1, 208.

⁷ Peterson, "Clay County," 57.

⁸ Newton Edmunds, second governor of Dakota Territory, served from September, 1863, to September 1866.

President Johnson on March 17, 1866. They were called the treaties of 1866. The news spread rapidly among the various tribes and the war was at an end. Certain Indians, headed by Red Cloud, refused to sign these treaties and remained on the warpath. Their activities were not in Dakota, however, and so had little effect upon Clay County. A new treaty was made in 1868 and all the Indians settled down to a life of peace that was unbroken for several years. During this later period, the Indians in this vicinity were generally friendly and trustworthy and on the whole were well treated by the settlers.⁹

During the Indian wars, from 1862 to 1865, there was really little fighting in Clay County; Mr. Jacobson was the only resident killed by the hostiles. Nevertheless the danger was imminent and the settlers fearfully exposed. There can be no doubt that these Indian troubles drove away many settlers, particularly those who had come during the summer of 1862, and that the Indian wars in general retarded immigration for several years to come.¹⁰

During the first few years of settlement climatic conditions were generally favorable and little care and work seemed necessary to produce good crops. Of course large fields were not planted at first, a few acres were generally broken with oxen and vegetables, sod corn¹¹ and wheat were planted, largely for home consumption. Little attempt was made to raise a surplus, because there was no local market for it. As time went on new strips were broken and wheat became the main crop.¹²

The harvest of 1862 was bountiful and the settlers were busy gathering it when the Indian uprising occurred. The spring of 1863 opened with discouraging prospects. The season was in every way a failure and little was raised. This left the pioneers very much depressed and discouraged, and some settlers left the neighborhood.¹³ During the year of 1864 hard times continued. The season was one of severe

⁹ Robinson 1, 237-238.

¹⁰ Kingsbury 1, 240.

¹¹ Corn which is planted on new sod and is not cultivated.

¹² Robinson 1, 204.

¹³ Batchelder, 17.

drouth, and the crops failed. Hay could only be obtained in the large sloughs, and the farmers were forced to go miles in order to secure food for their cattle during the winter months.¹⁴ Armstrong, one of the early settlers, describes the situation: "Unremitting drouth and clouds of grasshoppers swept the bloom of the fields and the verdure of the plains, and with the approach of autumn the despondent farmers repaired with their teams to the neighboring states to bring in a supply of subsistence until another seed time."¹⁵ It seems a wonder that under all these discouragements, floods, drouths, grasshoppers and Indians that any settlers remained at all. Of all the bad times with which Clay County has had to contend, 1864 was the worst. Many families left but most of them fought it out, and later received their due reward for their courage and persistence.

The spring of 1865 gave promise of a more prosperous season. There was plenty of much-needed rain and abundant crops resulted. The prospects for 1866 were very promising and the crops were excellent until late in the summer, when the grasshoppers made another raid and very nearly destroyed in one day what had promised to be the best crop yet produced.¹⁶ The military authorities seemed to be in opposition to settlement and many of the prominent officers openly advised the settlers to get out and give up the land to the Indians. During this period Governor Newton Edmunds did all he could to encourage the settlers. In the face of all this discouragement he continued to plow and sow his lands. He introduced live stock and put forth every effort to diversify his crops and encourage others to do likewise.¹⁷

The year 1867 was a prosperous one for Clay County. Crops were generally good and new settlers began to come in, and every industry connected with the welfare of the county prospered. Business men extended their activities and new buildings were constructed. Better homes were built by the settlers. Many new farms appeared and hun-

¹⁴ Peterson, Clay County, 57-58.

¹⁵ Armstrong, History and Resources of Dakota, 47.

¹⁶ Foster, 29.

¹⁷ Robinson 1, 230.

dreds of acres of new ground were broken for planting in the spring of 1868.¹⁸

To add to the hardships of these early days the facilities for communication and transportation were very limited. There were not always crops and produce to be marketed; but even when there was a surplus there was no way of getting it to market. There always had been more or less traffic on the Missouri River since early fur trading days, and this had greatly increased after gold was discovered in the Montana country. Thousands of tons of freight and hundreds of passengers were carried to the new gold mines.¹⁹ These boats made few stops as there were few landings; and it can be said that steamboat traffic on the Missouri had little influence on the development of Clay County and southeastern Dakota in general. This has been largely due to certain characteristics of the river which is crooked, shifting and subject to marked fluctuations in volume. The magnitude and rapidity of changes in the channel make it shallow in places and obstructed by sand bars. It was also frozen over for a considerable portion of the year. Transportation on the Missouri River was therefore always uncertain and expensive. The farmers of Southeastern Dakota could not market their produce in the settled sections to the east and south in competition with farmers located nearer to those areas. Some grain and produce was hauled to Sioux City during the early days by the settlers but products were not shipped out of Clay County in large amounts until 1873, when the railroad was completed.²⁰ During early times, Clay County sold a limited amount of beef, fodder, grain and other supplies to the army posts and Indian Agencies. This was transported in part by steamboat.²¹

In 1864 and 1865, Congress attempted to remedy the lack of roads and bridges in this section of Dakota Territory. In the congressional appropriations for roads in those years, money was provided to build a wagon road from the Big Sioux River to Fort Randall, running thru Vermillion. Money

¹⁸ Foster, 33. Peterson, Clay County, 58.

¹⁹ Armstrong, The Empire Builders, 38.

²⁰ Visher, 135-136.

²¹ Foster, 68.

was also appropriated to bridge the Big Sioux and Vermillion Rivers. A government wagon road was completed from Sioux City to Yankton in 1867. In 1869 a daily stage line carrying mail was established between these two points, passing thru Vermillion. This was the first public communication in the county and facilitated the distribution of mail to the more remote sections.²²

The effects of the Civil War upon Clay County were largely economic. All lines of merchandise brought high prices and labor was well paid. Examples of prices for these commodities, based on paper money, follow:

Prices at Sioux City July 1858²³ and 1864 and 1865.²⁴

Potatoes per bushel 50 to 75 cents \$2.50 to \$3.00.

Flour per barrel \$8 to \$9 \$15.00

Coffee per pound 16 to 18 cents 63 to 67 cents.

Butter per pound 25 to 30 cents 75 cents.

Eggs per dozen 25 cents \$1.00 to \$1.50.

During this early period, the settlers had little to sell and oftentimes, due to crop failure, did not raise enough to feed their families. Clothing, shoes and other necessities bought from the stores were expensive. Money was scarce and interest was high. Wages were not low, but there was little work to be had. Common labor by the day without board was paid about \$2.00; common labor by the month with board was paid from \$20 to \$30; team work was paid \$5.00 per day. Carpenters received \$3.50 per day and masons \$5.00.²⁵

The period from 1862 to 1868, as already described, was one of general stagnation in Clay County, caused by drought, grasshoppers and Indian troubles. Very little was done toward extending the settlements or improving agriculture during these years. The raising of stock was increased, as there was a good market for cattle and hogs at the various army posts and Indian Agencies. Altho Indian troubles

²² Foster, 25-26. Questionnaires.

²³ Ziebach, F. M.; "Early Days in Woodbury County," Sioux City Journal, August 20, 1914.

²⁴ Ibid.

²⁵ Foster 87-88-97.

* Foster, 68.

ended in this section by 1865, the influx of new settlers continued to be slow for some time afterwards. The unfavorable reports circulated by visitors and discouraged settlers as to repeated drought and grasshopper invasions had their effect.²⁶

During the early days, newcomers were usually welcome and the hand of fellowship was extended to them. If the new settler's purse was empty and he was industrious and honest, he received reasonable assistance. In spite of this aid the pioneer farmers had many serious obstacles to contend with. The task of making a home and a cultivated farm out of the prairie, remote from neighbors, without roads and schools or any of the advantages and comforts of older settlements meant constant labor and strict economy. During those days of early settlement, the Civil War raged with unabated fury, but the tragic events of the Indian Wars were more important and immediate to Clay County settlers than victories or defeats on the Potomac. It is extremely difficult to estimate the worry and suffering the Indian Wars caused the settlers. The process of opening a new home on a raw quarter section is difficult enough when conditions are good, but grasshoppers and severe drought added enormously to the trials and vexations. Yet the majority stuck bravely to their newly acquired homesteads. They ate their rough food, worked day and night, planted their crops with determined persistence, endured danger, suffering and privation that written words cannot describe.²⁷

During those first days of settlement, the question as to whether the soil and climate of this vicinity were adaptable to the successful production of grain and vegetables was frequently and seriously discussed. Many sincerely believed that they were not, as drought and grasshoppers seemed to come yearly. Eastern people thought that this section was not a good farming country. Even as late as 1868 and 1870 opinions of this kind were often expressed.

²⁶ Foster, 26.

²⁷ Chamberlain, W.; "Sod Shanty Days," *Monthly South Dakotan* 3, 78-79. Questionnaires from early settlers.

Still there were those who would not accept such gloomy views.²⁸

The social life of the country at that time was very similar to that in any new country. There were parties, dances, corn-huskings, quiltings and various other social events that brought the people together in the informal manner that is so characteristic of pioneer life. These people seemed to realize that they were engaged in a common struggle, and there existed a common sympathy and hearty cooperation that tended to lighten the burdens of each.²⁹

Vermillion, during this period, had become a thriving little village. It consisted of several stores, a hotel, saw-mill and various other places of business. It was considered one of the most important towns in Dakota Territory. This is shown by its strong bid for capital honors. Many settlers came here to do their trading, and during the Indian troubles several squads of soldiers were stationed in the village.

The farmers when visiting each other and going to town used the same animals as in their daily work. Those who had horses were fortunate; many used oxen, and these were slow and uncertain. The roads were poor as the settlers had little time for road work. They were practically impassable during wet weather. A post office was located at Vermillion in 1860. The mail came by way of Sioux City and was taken by carriers on foot to Vermillion and other post offices. There was considerable travel between Vermillion and Sioux City for mail and supplies. All produce for sale was taken to Sioux City and the trip usually took several days. The settlers went in groups and camped for the night by the roadside.³⁰

During the period of westward expansion the lines of settlement have tended to move across our country from east to west following in a general way the parallels of latitude. The people of New England, New York, Northern Ohio, Indiana, Illinois, Southern Wisconsin, and Northern

²⁸ Trumbo, F.; "Territorial Pioneers," S. D. Hist. Coll. 5, 85-91. Questionnaires.

²⁹ Peterson, Clay County, 58. Questionnaires from early settlers.

³⁰ Kingsbury 1, 404.

Iowa as they moved westward have tended to preserve their latitude.³¹ The federal census of 1860 for Dakota gives the birth place, or previous home, of the Clay County inhabitants as follows:³²

Wisconsin	31
Ohio	18
Illinois	15
New York	11
Iowa	11
Dakota	9
Vermont	8
Mass.	8
Virginia	4
Michigan	4
Penn.	2
Indiana	3
Nebraska	2
Connecticut	1
North Carolina	1
Rhode Island	1
New Hampshire	1
Canada	6
France	8
Norway	49 ³³
<hr/>	
Total	202

Clay County's early settlers were from the different areas mentioned and they brought with them the political ideas, sentiments and customs of their earlier homes.³⁴ A good example of this is in the New York Colony, consisting of about sixty families, which arrived in Dakota in 1864.³⁵ It was the first organization or colony of Americans to emigrate to this section; and altho most of them settled in Bon Homme and Yankton Counties several families took claims

³¹ Smith and Young: "History and Civil Gov't. of S. D." 62-63. Mathews, L. K.: "The Expansion of New England" Chap. 10.

³² "The Census of 1860," S. D. Hist. Coll. 10, 396-400.

³³ Many of the Norwegian settlers did not come direct from Norway to Clay County. They first settled further to the east. That caused their previous home to be given in the state where they first lived.

³⁴ Smith and Young, 62-63.

³⁵ Foster, 22.

in Clay County. C. N. Taylor, one of the colony, founded Lincoln, a stage station, which later became Meckling.³⁶ It is from New York and Ohio that Dakota has taken the model of its laws, while the basis of its local institutions is essentially that of New England.³⁷

The people who came to Clay County from the eastern states in these early days were not of the well-to-do class. Neither were they of the idle and vicious. It can be truthfully said, that in the main, they were a rather superior group of people. They were honest, industrious, enterprising and law-abiding. Though coming as many of them did, from the comfort and safety of the east, still they cheerfully took up the burdens of the new life and bore its hardships without complaint. The Scandinavians, who early commenced to settle in the country, were a thrifty farmer folk. They were naturally conservative, industrious and frugal, and faced the hardships of early frontier life with perseverance and bravery.³⁸

IV. Early Institutions to 1878

When President Lincoln in April, 1861, appointed the officers for Dakota Territory as provided by the Organic Act, he selected H. A. Kennerly as register and Jesse Wherry as receiver of the land office which was to be located at Vermillion.¹ These two men probably received their appointment through the influence of General J. B. S. Todd who was in Washington at the time.² When Frost and Todd established their trading post at Vermillion in 1857, Kennerly had been sent here as their agent. Wherry was a lawyer who had recently arrived, but like many attorneys of those early days devoted but little of his time to his profession.³ At the time of the appointments, the validity of the claims of Frost and Todd to Vermillion and Yankton townsite was being disputed. This action caused considerable opposition to the confirmation of the land office appointments. A re-

³⁶ Kingsbury 1, 334-336.

³⁷ Smith and Young 63.

³⁸ Questionnaires early settlers.

¹ Robinson 1, 189.

² Taylor 1, 1.

³ Taylor 1, 1-2.

monstrance was at once signed by many, charging that these men and General Todd were personal friends and they consequently would be likely to be unduly influenced by him in deciding the contests that were sure to occur.⁴ As a result of this remonstrance, the appointments of Kennerly and Wherry were withdrawn. George D. Hill, surveyor general, whose office was located at Yankton, did the work until J. M. Allen and Mahlon Wilkinson were commissioned in July, 1861.⁵ The first land office in Dakota Territory was opened for business at Vermillion July 16, 1862, with J. M. Allen as register and M. Wilkinson as receiver.⁶ Surveyor General Hill granted contracts for surveys to be made in Clay County early in 1862, to surveyors Cortez Fessenden and J. N. Mellon. Because of the Indian troubles they had great difficulty in completing their work that fall.⁷

The homestead act was passed by Congress in 1862 and went into effect January 1, 1863.⁸ This statute had little immediate effect in attracting new settlers to Clay County for various reasons. There was still much good government land further east that had not been taken. There was a lack of cheap transportation facilities between here and the more settled portions of the east. The fear of drought, grasshoppers and Indians tended to keep settlers away.⁹ By this act every male twenty one years old who was a citizen of the United States or had declared his intention of becoming one was entitled to file on a quarter section of government land. It also included every man who had served fourteen days or more in the United States Army and every woman who was the head of a family whether single or a widow. The payment of \$14.00 was required at the land office when the settler filed on the homestead. After residing on the land for five years a patent would be issued at the local land office upon the payment of \$4.00. It was also necessary for the settler to make or show proof of residence and cultivation. If the homesteader wished to move from his land sooner and

⁴ Ibid. Goodfellow, S. D. Hist. Coll. 5, 354.

⁵ Ibid.

¹¹ Goodfellow, S. D. Hist. Coll. 5, 362.

⁷ Ibid, 355-359.

⁸ Congressional Globe 37th Congress 4, 352.

⁹ Visher, 137.

still hold it he could do so any time after six months residence upon the payment of \$1.25 per acre. This was called "Commuting a homestead."¹⁰ A few days before the homestead law went into effect, a large group of settlers gathered at Vermillion to secure their entry receipts in order to insure their homes. Many applications were also made during the early months of 1863.¹¹

Surveyor General Hill, three months after opening his office at Yankton, made a report to the Department of the Interior. One section of it read, "The territory presents unusual and remarkable inducements to those seeking a home in a new country. The lands are of the most fertile character, the climate healthful and agreeable, the water pure and wholesome. The capacity of the territory as a stock raising country cannot be over estimated."¹² When William Tripp received his appointment in June, 1865, to succeed Hill, the public surveys had embraced all of Clay County.¹³ At the same time, President Lincoln made a number of other federal appointments in Dakota. Captain Miner, formerly of Company A, was appointed register of the land office at Vermillion to take the place of James M. Allen whose term had expired.¹⁴ Allen had not been very well liked, and was accused at this time of being dishonest, prejudiced, and arbitrary in his rulings. In October 1865 a number of cases were brought against him at a term of court in Vermillion for extorting illegal fees. He was tried before Judge Kidder and was acquitted in every instance.¹⁵

In 1866, at a session of the United States District Court in Vermillion under Judge Kidder, the United States Government settled the conflicting land claims in that vicinity. Although there seemed to be considerable dissatisfaction in regard to the final decisions, every effort was made to be as fair and impartial as possible. In October of 1867, at the session of court, there were eight criminal cases, charging parties with cutting timber on government land. This of-

¹⁰ Congressional Globe 37th Congress 4, 352.

¹¹ Goodfellow, S. D. Hist. Coll. 5, 362.

¹² Ibid, 363.

¹³ Ibid, 364.

¹⁴ Kingsbury 1, 400.

¹⁵ Taylor Scrap Book 1, 1.

fense was considered a serious one by the federal government but not by the frontier settlers, who were obliged to have log cabins to shelter their families. No convictions resulted unless it was proven that the accused had wantonly cut the timber and sold it. The settlers who came in after 1866 usually went wherever there was unclaimed timber. They helped themselves to house logs and firewood and were seldom disturbed. They needed the logs badly and "stern necessity knows no law."¹⁶

After the effects of the Indian wars, of grasshoppers and drought had worn away, there was a constant stream of immigration and the covered wagon was a frequent sight. Settlers flocked into this section looking for homes and by 1871 most of the government land had been taken. There were at that time few quarter sections in Clay County that were not occupied and as a result immigration to this section practically ceased. Only as farms were sold could room be made for new settlers. The price of land during these early years was not high. As long as there was government land open further west and north no settler would pay a high price. Land during this period changed hands at from 5 to 10 dollars per acre. This state of affairs was evidenced by more substantial progress and a more stable county government. The county records which were previously incomplete were now kept more carefully. Times were generally prosperous and the frontier appearance of the county was fast disappearing.¹⁷

One of the earliest newspapers in Dakota Territory was published at Vermillion. T. Elwood Clark and James Bedell installed a press in a little shack in what is now platted East Vermillion and called their paper the "Dakota Republican." The first issue came out in July, 1861. Its publication was suspended some time after the general election of September 16, 1861. The paper was revived in the spring of 1862 under the management of J. B. Glaze, and was continued until early in September, when the editor left the territory in the stampede caused by the Indian scare. During that

¹⁶ Kingsbury 1, 463.

¹⁷ Peterson, Clay County, 58. Questionnaires from early settlers.

winter, Allen and Wilkinson, register and receiver of the land office, bought the material and hired Mahlon Gore to edit a paper. He put out only a few issues and it was discontinued in the fall of 1863. Then there was no paper in the county for more than three years. During that time the press apparatus was owned by several different individuals. W. W. Brookings bought it in 1867 and revived the paper. The publication of the *Dakota Republican* has been continuous since then with the exception of a short suspension in the winter of 1868 and 1869. It was the only paper published in Clay County from the time Dakota was opened to settlement until 1872. Then the "Register" was started by C. A. Lyon, H. G. Austin and others for political purposes. It was discontinued in April 1876, the *Republican* buying what was left of it. The next newspaper venture was the "Standard" which was started in December 1876. It too was established for political reasons and was opposed to Burdick, the editor of the *Republican* at that time. L. W. Chandler edited the *Standard* until 1879.¹⁸ These rather primitive newspapers meant a great deal to the early settlers, who were on the frontier, practically cut off from the civilization of the East. Communication was poor and news was scarce and a newspaper close at hand was of the greatest importance to them. It gave them both local and national news and tended to create a certain local pride and community spirit. During the summer and fall of 1870, the first telegraph line constructed in Dakota was built between Sioux City and Yankton passing through Vermillion.¹⁹ This put Clay County in better touch with the East. The rates however were exorbitant compared with those of today. The price for ten words from Yankton was as follows: to Vermillion, 35 cents; to Sioux City, 75 cents; to Omaha, \$1.75; to Chicago, \$2.65; to Washington, \$3.90; to New York, \$4.35.²⁰

Whenever American pioneers have advanced westward in search of free land in order to make homes they brought with them the civilization of the eastern sections and the

¹⁸ Taylor 1, 39-40.

¹⁹ Ibid 2, 7. *Dakota Republican*, Jan. 5, 1898.

²⁰ *Kingsbury* 1, 540.

national regard for education. This ideal soon expressed itself even amid the dangers and hardships of early pioneer life by the organization of schools. Several attempts were made to establish schools in Clay County previous to the provision for public instruction by the first territorial legislature in 1862. The first school held in the county was taught by Dr. Franklin Caulkins in the winter of 1860 and 1861. It was held in a room over McHenry's store, and Caulkins divided his time between teaching and caring for the physical ills of the people. A division among the people caused Miss Hoyt to be employed also and her school was held in the pioneer log church known as "Father Martin's Church."²¹ She taught a second term during the spring months of 1862 in the little log church. Caulkins in the meantime had left the territory and his place was taken by Judge Boyles who taught a two months term in 1862.²² During the winter of 1863, Mahlon Gore taught three months in his home.²³ During the winter of 1863 and 1864, a school was held in a log building known as "Eckle's Shack" near the head of the ravine and was probably taught by Miss Hoyt. The log church that had housed the first two terms of school had been torn down in the fall of 1862 and the logs used in the erection of a stockade for protection against the Indians. As these early schools were maintained by subscription, their records were very meagre and incomplete.²⁴ The year 1864 marks an epoch in the progress of education in Clay County and in Dakota. In November of that year the "old log school house" was built. It was the second building, erected exclusively for school purposes, in what is now the state of South Dakota.²⁵ Company A of the first Dakota Cavalry, under command of Captain Miner, which was stationed at Vermillion, aided by the individual settlers, built the schoolhouse. It was made from logs brought across the Missouri and like most of the early log buildings, it was a very crude affair with a dirt roof. Amos Shaw, a member

²¹ Beadle's Memoirs, S. D. Hist. Coll. 3, 153-154.

²² Trumbo, F.: S. D. Hist. Coll. 8, 11-12. Taylor 1, 47-48. Peterson, Clay County, 67.

²³ Trumbo, S. D. Hist. Coll. 8, 11.

²⁴ Peterson, Clay County, 67. Taylor 1, 47-48.

²⁵ Taylor 2, 16.

of Company A, was detached by special orders to teach in the new building during the winter of 1864 and 1865. From that time on school was maintained continuously in the "old log schoolhouse" until the erection of a new frame building of four rooms in 1872 upon the site of the present High School Building.²⁶

Wm. Jayne the first territorial governor, in his message of March 19, 1862, to the first territorial legislature at Yankton, stressed the importance of education. After speaking of how essential schools were to the prosperity and general welfare of the territory he said, "I recognize the difficulties you must encounter in your efforts to establish a practical and efficient system in our (at present) sparsely settled territory. Let us, at least, take the first steps, and show to all who may be looking to our territory for a future home, that we are not unmindful of the great interest of education and the proper moral and intellectual training of the youth of our land."²⁷ Legal provision for the district unit of school control was made by the first territorial legislature in 1862. The law provided that the county commissioners were to divide their county into a convenient number of districts and to redivide the districts if the inhabitants so desired. The district officers were to be director, clerk and treasurer, elected for one year and called the district board. The electors of each district were to decide upon the school levy, the location of school buildings, and the length of the term which must not be less than three months. The district was considered a corporate unit. By special elections, the inhabitants of two or more districts could unite to establish a graded school.²⁸

School districts were not organized in Clay County until 1866. Even after this the schools had a long and hard struggle for existence. The early teachers were a rather miscellaneous group, selected more upon the basis of willingness than ability. Properly qualified teachers were scarce and hard to get. In fact it was difficult to find unqualified people who were willing to devote their time to the business of

²⁶ Taylor 1, 48.

²⁷ House Journal of the Legislative Assembly of the Territory of Dakota 1862, 18 and 19.

²⁸ Session Laws 1, Chapter 81.

teaching. The amount of money expended for school purposes was very small. In 1868 the entire territorial apportionment to Clay County was \$308. This was in keeping with the salary of the County Superintendent, which was less than \$50 for the same year.²⁹ The report of County Superintendent, M. S. Burr, to the Territorial Superintendent of Public Instruction in 1867 gives the following data on Clay County schools: Number of organized districts 7; unorganized 4; number of children between ages of 5 and 21, 201; number of children attending public school 96; number of male teachers 1; number of female teachers 3; number of official visits by county superintendent 3; amount of public money \$255.32; amount raised by tax \$29.94; amount raised by subscription \$57.78; total amount raised for schools \$608.04; amount expended for teachers wages \$346; value of school property in the county \$300.³⁰ Four years later, during the winter of 1870 and 1871, there were 28 schools in Dakota Territory, six of these were in Clay County.³¹ In 1872 a graded school was organized at Vermillion. In 1877, C. C. Bridgman was elected County Superintendent and the following April made an official report on the condition of the schools. There were 54 school districts in the county and 48 teachers were being employed. Out of a population of 6000, 1657 children were in school. The first county institutes were held while Bridgman was in office and a county teachers' association was formed. His report stated that the schools were in good condition and that educational progress seemed to be keeping pace with other lines of growth. Better teachers were being hired and their wages had increased.³²

The first sermon in Clay County was preached at Vermillion, in April 1860, by Reverend C. D. Martin, a Presbyterian minister. There was no regular church building in Vermillion at that time and the services were held upstairs in James McHenry's store building. The following August, Reverend Mr. Martin succeeded in getting the people to build

²⁹ Peterson, Clay County, 67-69.

³⁰ Kingsbury 1, 472.

³¹ Kingsbury 1, 588.

³² Kingsbury 2, 1061.

a log church. The Presbyterian Board of Church Extension, at Philadelphia, sent fifty dollars to aid in its organization. In September, the board of publications sent a Sunday School library for the church and a bell was procured from Cincinnati. This building was used as a church and also for school purposes until the early fall of 1862. Then it was torn down and its logs used to construct a stockade for protection against the Indians. Mr. Martin ceased preaching at Vermillion in the spring of 1862 and moved to Nebraska.³³ A Methodist Episcopal church was organized in Vermillion on January 13, 1861, under the jurisdiction of Reverend S. W. Ingham.³⁴ The first Baptist missionary to come into this section was Reverend J. E. Rockwood, pastor of the Baptist church at Sioux City. While acting as a traveling missionary from 1866 to 1869, he preached several times in Clay County. He organized a Baptist church at Vermillion February 16, 1868. During the next few years churches were also organized at Bloomingdale (now Spirit Mound) and Lodi.³⁵ The first Congregationalist work was done in Clay County by a minister named Sheldon. He preached his first sermon at Vermillion in July, 1870. A church was built on the bottom shortly afterwards, which was washed down the river by the flood of 1881.³⁶

The Scandinavians, who first settled on the Missouri bottom between the Vermillion and Dakota Rivers were mostly Lutherans. As soon as they had secured homes and firmly established themselves they wanted an organized church. At their former homes they had always been scrupulously religious and had built up fine church organizations. But here they had no suitable place to meet, and they were without ministers. During the first years the families gathered on Sundays at some neighbor's home to sing hymns and read portions of Scripture. Private religious classes were also held for children. The younger children were also taught the common branches in connection with their Bible

³³ Taylor 2, 30. Gray, W. B. D.: "The Early Sunday Schools of D. T." Monthly South Dakotan 2, 77.

³⁴ Robinson 1, 545.

³⁵ Robinson 1, 560.

³⁶ Robinson 1, 571.

study. Early in the fall of 1861, they were visited by a minister, Abraham Jacobson. He remained with the settlers a short time and preached several sermons, baptized some children and solemnized several marriages. Several attempts were made at various times to organize a definite church society, but as those interested belonged to several different branches of the Lutheran church they could not reach any agreement. Finally on January 11, 1864, at a meeting held near Meckling, it was decided to hire a minister and to organize a church. These plans were carried out and on October 8, 1864, at a meeting near Vermillion, a Norwegian Evangelical church was organized with sixty-seven voting members. This organization accommodated a wide territory. In 1869 part of the congregation separated and built a church near Mission Hill. In 1870, the Bergen district also separated and built its own church. The work of the Scandinavian churches in Clay County has more than kept pace with the growth in population and a large percent of the people of the county are Scandinavians. Their church organizations have always worked for local and state reforms of various sorts.³⁷

The formation of Sunday Schools was carried out in connection with the early church organizations. The first Sunday School in the county was organized by Reverend Mr. Martin on June 14, 1861, and was held in the log church built by the Presbyterians at Vermillion. It was organized as a union school and was continued as such for about one year, when it was reorganized by Methodists. In June, 1869, the Bloomingdale and Star Prairie Sunday Schools were organized. The school at Bloomingdale was held for some time in a grist mill.³⁸ A territorial Sunday School Convention was called to meet at Vermilion on October 6, 1875, in honor of the organization of the first Sunday School in Dakota Territory.³⁹

We may now well turn our attention to the more secular subject of politics. The legislature, which had been chosen at the election on September 16, 1861, was convened by Gov-

³⁷ Robinson 1, 506-508.

³⁸ Gray, *Monthly South Dakotan*, 2, 77.

³⁹ *Dakota Republican*, April 8, 1875.

ernor Jayne at Yankton March 17, 1862. It consisted of nine councilmen and thirteen representatives. On March 17 and 18, the house and council organized, and committees were appointed to draft rules for each body. On Wednesday, March 19, the two houses met in a joint session and Governor Jayne's message was read by the secretary of the council. The first part of the message dealt largely with the climate and resources of Dakota. In the latter part he made certain recommendations: a system of civil and criminal law should be established, an educational system, a county and territorial financial system, militia should be organized, territorial roads should be built, certain powers should be granted to corporations of a mining, manufacturing, or railroad character. He urged an appeal to Congress for a liberal appropriation for the purpose of a geological survey of the territory. Congress should also be urged to pass a homestead law.⁴⁰ An act for the establishment of Clay County was approved April 10, 1862.⁴¹ Provision was made a few days later to provide for county officers. They were to consist of three county commissioners, a register of deeds, sheriff, judge of probate, a coroner, justices of the peace, constable, county surveyor and district attorney. The same act authorized the governor to nominate, and with the advice and consent of the council, appoint the officers mentioned. These appointees were to hold their respective positions until their successors could be elected at the first general election.⁴² The appointments for Clay County were as follows: Aaron Carpenter, George W. Wilson, and L. Bothun, county commissioners; Franklin Taylor, register of deeds and county clerk; William Shriner, probate judge and ex-officio county treasurer; A. A. Partridge, assessor.⁴³

The main bone of contention during the first legislative session was the location of the territorial capital. Long before the legislature was called, the people of Yankton were busy with schemes whereby the capital should be located

⁴⁰ House Journal of the First Legislative Assembly 1862, 1 to 29.
Council Journal of the First Legislative Assembly 1862, 1 to 27.

⁴¹ Session Laws 1, 242.

⁴² Session Laws 1, 254-261.

⁴³ Council Journal of the First Leg. Assembly 1862, 177.

at their town. Sioux Falls was rather ambitious but Vermillion and Bon Homme were the most formidable opponents.⁴⁴ Yankton and Vermillion each had two councilmen while Bon Homme had one. By reason of the east and west districts, Vermillion had four representatives, while Yankton and Bon Homme had two each. The Yankton members saw at once that it was necessary to form an alliance with Bon Homme. Yankton flattered the former by professing to give the positions of both president of the council and speaker of the house to her members. The Bon Homme men accepted the flattery and accepted the proposal.⁴⁵ A written agreement was also made, that if Yankton was made capital, the penitentiary should be located at Bon Homme.⁴⁶ On April 2nd G. P. Waldron from Sioux Falls introduced house file No. 45: "A bill to locate the capital, territorial prison and the territorial university." After a hot discussion the yeas and nays were ordered on the motion. The vote was yeas 5, nays 8. The motion was lost. At the same meeting R. Wallace introduced a bill for an act locating the territorial penitentiary at Bon Homme. The vote was yeas 4, noes 9.⁴⁷ This indecisive maneuvering went on for several days and many hot arguments and parliamentary skirmishings took place. At one time it was necessary to have United States troops in the room to keep order.⁴⁸ It was finally decided to locate the capital at Yankton, the penitentiary at Bon Homme and the territorial university at Vermillion. Bills were passed accordingly.⁴⁹ No memorials were prepared praying Congress for a grant of land for each of the institutions. During this first session ninety-one general laws were passed, including criminal, justice and probate codes, and the annual election was fixed on the first Monday of September.⁵⁰ The legislature was in session sixty days and adjourned May 15th.⁵¹

⁴⁴ Robinson 1, 192-193.

⁴⁵ Council Journal 1862, 1.
House Journal 1862, 1.

⁴⁶ Kingsbury 1, 192-193.

⁴⁷ House Journal 1862, 100-101.

⁴⁸ Kingsbury 1, 207.

⁴⁹ Session Laws 1, 409-10, 471, 482.

House Journal 1862, 107 to 154.

⁵⁰ Session Laws 1, 274.

⁵¹ House Journal 1, 240.

In spite of the Indian war and other diversions, 1862 is considered a year of political importance in Dakota Territory. Clay County played an active part in the events of the year. While the first legislature was in session it was understood that Governor Jayne was planning to run against Captain Todd for the office of delegate to Congress. When Todd was first elected he ran as an independent candidate upon his own motion and without being nominated by a party convention. He was a Democrat but had strong union sentiments. Before the first legislative session had closed the political situation was rather heated. Governor Jayne was nominated, on July 16th, at the Republican and Union convention held at Vermillion. Todd received his nomination from a "people's union convention" held at Vermillion July 25th. The campaign was a vigorous one. Governor Jayne was supported by the Dakota Republican of Vermillion and the Yankton Dakotan, while Todd was without local newspaper support.

The first general election in Dakota, under the statutes, occurred on Monday, September 1, 1862. It was marked by gross frauds and irregularities in many of the precincts. The vote as canvassed gave Jayne 237 and Todd 221. The vote of Bon Homme and Charles Mix counties was rejected by the canvassers as being fraudulent and irregular. There were no returns from the Red River valley. Todd contested Jayne's election and was successful in unseating him in 1864.⁵²

On Monday, December 1, 1862, the second session of the territorial legislature convened at Yankton. At this session the legislature numbered twenty three.⁵³ There were contested elections in the counties where there had been election frauds that fall. The opposing sides were made up of the Todd and Jayne factions. During the first few days there was some trouble over the contested seats. A select committee was appointed and after careful investigation, N. J. Wallace and M. H. Somers were declared legally and fairly

⁵² Robinson 1, 197-201.
Kingsbury 1, 265-275.

⁵³ House and Council Journals, 2nd Session of Terr. Legislature.

elected from the precincts of Big Sioux and Elk Point.⁵⁴ The Governor's message was read on December 18, 1862, and was concerned largely with the Indian situation.⁵⁵ A memorial was sent to Congress praying for the establishment of a military post to protect the frontier from the Indians.⁵⁶ An act was approved January 3, 1863, changing slightly the original boundaries of Clay County.⁵⁷ Acts were also passed locating the county seat at Vermillion,* and legalizing the acts of the county officers as appointed by the Governor prior to the county election of September 1, 1862.⁵⁸

The first meeting of the county board, as appointed by Governor Jayne at the first session of the territorial legislature, was held at Vermillion June 2, 1862. A. A. Partridge was appointed sheriff and J. G. Glaze, superintendent of schools, by the county officers. Their first act was to grant a license to sell intoxicating liquors in quantities of less than one pint. Six road districts and five school districts were established. The eastern portion of the county was made the first election district and the western portion the second district, with the Vermillion River as a dividing line. A poll tax of two dollars was levied, the first tax to be laid in Clay County. Thus the little settlement so recently laid out became a political organization.

At the election held in Vermillion September 1, 1862, the following county officials were elected: county commissioners, J. B. Burgman, Gustave Jacobson and Halvor Burgess; Franklin Taylor continued in office as register of deeds and county clerk, A. A. Partridge as assessor, Peter Nelson was chosen to succeed William Shriner as probate judge and ex-officio county treasurer. Jason Whitestone was chosen justice of peace and Isaac Cope sheriff. The new county commissioners met in February and upon settlement with William Shriner, ex-county treasurer, it was found that the treasury contained \$3.50! Two dollars of it belonged to the school fund. A county tax of two mills and a territorial tax

⁵⁴ House Journal 2nd Session, 15-18.

⁵⁵ House Journal 2, 81-88.

⁵⁶ Council Journal 2, 58.

⁵⁷ Session Laws 2, 217.

* Session Laws 2, 218.

⁵⁸ Council Journal 2, 149.

of 3/4 of a mill were levied.⁵⁹ The same county officials were reelected in 1863.

During the summer and fall of 1864, there was much political controversy in Clay County. This was largely due to the controversy of 1862. Several territorial conventions were held at Vermillion during the summer months.* That fall the following county officials were elected: county board, J. Carpenter, John P. Burgman and Aslak Iverson; register of deeds and county clerk, Franklin Taylor; probate judge and county treasurer, Ole Bottolfson; sheriff and assessor, Aaron Carpenter. The board met in March 1865 and action was taken to improve the roads of the county. At this meeting \$5 was awarded to the state's attorney, G. B. Bigelow, for prosecuting a case of assault and battery. This is the first instance of this sort mentioned in the county records. During this early period nothing had been done to organize school districts in the county. In the fall of 1864, Franklin Taylor went out of office as register of deeds and M. S. Burr was elected in his place. Mr. Taylor was then appointed county superintendent of schools and his first work was to fix the boundary lines of the various school districts and to erect school buildings.⁶⁰

It is of interest to note that during the winter of 1866 and 1867 a bill was introduced by Todd, former delegate to Congress, to remove the capital of Dakota Territory from Yankton to Bon Homme. Members of the legislature from Clay County were very active in the fight and endeavored to get Vermillion substituted for Bon Homme, as mentioned in the capital bill. It passed the house by a vote of 15 to 8 but died in the council, as the session time, set by law, expired before any action was taken.⁶¹

In 1867, the county was divided into three commission districts, two east and one west of the Vermillion River. The commissioners who had been elected cast lots and drew terms as follows: S. Baker three years, Aaron Carpenter two years and Aslak Iverson one year. A license was granted at this

⁵⁹ Peterson, Clay County, 56-69.

* Kingsbury 1, 368-379.

⁶⁰ Peterson, Clay County, 57.

⁶¹ Taylor 2, 23.

time for a ferry across the Missouri River between Vermillion and Ionia, Nebraska.⁶² During the next few years, county affairs were rather quiet, but the voters and people in general were very much interested in national and territorial politics. The Congressional policy in regard to the reconstruction of the Southern Confederacy was the great political issue at this time.

In the fall of 1871 the question of issuing county bonds in favor of a railroad was submitted to the people and failed to pass. There was at this time a great need for railroad facilities in the county. There were several stores in Clay County and it was necessary for them to haul their merchandise from Sioux City by team. Crops, if they were to be sold, could reach market in no other manner, and as a result little produce was marketed.⁶³

The county board was active in 1876. In April, it voted to submit the proposition of borrowing \$10,000 to construct a court house to the vote of the people. There had been need for such a building for some time. There was no regular place in which the county commissioners could meet or where court sessions could be held. The offices of the various county officials were scattered over the business section of Vermillion, which was not satisfactory. Nevertheless, the question was lost, when put to a vote on May thirteenth. The number of votes cast at this time was 908, which gives an approximate estimate of the county population. In January, 1878, G. B. Bigelow offered to deed 3½ acres of land to the county and to give \$300 in cash toward the cost of constructing a court house, if built within a year. His offer was not accepted and nothing further was done toward building the badly needed court house.⁶⁴

During this early period there was considerable agitation in Clay County, for the division of Dakota Territory. Formal action was taken on January 12, 1871, when the territorial legislature passed a memorial to Congress, asking for a division on the 46th parallel. Similar memorials were passed

⁶² Peterson, Clay County, 57-58.

⁶³ Peterson, Clay County, 59.

⁶⁴ Dakota Republican March 13, 1879.

in 1872, 1874, and 1877. In 1879, a protest was sent to Congress against the admission of Dakota as a single state.⁶⁵

No account of this early society would be complete without mention of the fraternal lodges. Among the first settlers in the county were several Masons. As early as 1862, during the first session of the territorial legislature, there was some talk of organizing a Masonic lodge at Vermillion. Early Indian troubles and frontier hardships caused the plan to be suspended for several years. But on February 16, 1869, Incease Lodge No. 257 was chartered at Vermillion and was the second Masonic lodge to be organized in Dakota.⁶⁶ In August 1872 an Odd Fellows lodge was organized at Vermillion with fourteen members.⁶⁷

There were no banks established in Clay County until several years after the beginning of permanent settlement. During the early days banks were not so greatly needed. Clay County's first banking establishment was organized at Vermillion, in 1871, by V. E. Prentice and Henry Newton. For years they conducted a safe and conservative banking business and did much to aid the progress of the county.⁶⁸ The years 1869 and 1870 were quite prosperous and in the fall of 1870, the first territorial fair was held at Vermillion under the auspices of the County Agricultural Association. A. A. Partridge was president of the association at the time and W. H. H. Beadle delivered an address on the occasion. Fairs were also held in Vermillion during the autumns of 1871 and 1872.⁶⁹ In September 1878 the territorial fair was again held at Vermillion. There was a fine exhibition of the agricultural and dairy products of the territory although the Northern Dakota settlements were not represented. Governor William A. Howard gave an address at the opening of the exhibition.⁷⁰

In the decade between 1859 and 1869, there was small progress in the matter of locating new towns in Clay County. The villages had grown and improved slowly but still met the

⁶⁵ Hagerty, F. H.: "The Territory of Dakota", 31.

⁶⁶ Robinson 1, 512-513.

⁶⁷ Robinson 1, 516.

⁶⁸ Robinson 1, 474.

⁶⁹ Taylor 3, 22.

⁷⁰ Dakota Republican Sept. 19, 1875.

full demands for markets in spite of the fact that the number of farms and farming population had increased in greater proportion. By 1870, some progress had been made in agriculture and the southern portion of the county was fairly well settled, especially the townships along the lower valley of the Vermillion River. At this time Vermillion was the largest and most important settlement and had a population of nearly six hundred. It was located in the southern part of Vermillion township on the Vermillion River and was the county seat. In Vermillion there was a newspaper, a government land office, two hotels, a sawmill, a number of stores, several lawyers, doctors and clergymen. It was also the meeting place of the United States Court for the first judicial district.⁷¹ The first village organization was completed in 1873 and a town council and officers were elected. They appointed a committee to draft by-laws and ordinances and later selected fire wardens, street commissioners and a town justice. In November a contract was let to build a city jail.⁷² In 1875, a severe fire swept away more than half of the business section of the town.⁷³ On February 11, 1877, Vermillion was incorporated as a city by an act of the territorial legislature.⁷⁴ The results of the first city election were as follows: mayor, John L. Jolley; aldermen, H. E. Hanson, Hans C. Jensen, L. H. Barron, A. E. Lee and W. E. Hodgins. Mr. F. N. Burdick was elected mayor the next year in one of the hardest fought political contests ever seen in Vermillion.⁷⁵

In 1870 there were only four postoffices in Clay County outside of Vermillion. There was one at Bloomingdale, a little village on the Vermillion River about twelve miles above Vermillion Village. Two large flour mills were also located there. These mills were operated by water power. There was also a postoffice at Lodi, six miles farther north and another at Lincoln, which was a village of considerable size located northwest of Vermillion, in Meckling township. Burbank, located in Fairview township, was the other village

⁷¹ Kingsbury 1, 537.

⁷² Peterson, Clay County, 65.

⁷³ Dakota Republican Jan. 14, 1875.

⁷⁴ Session Laws 12, 236.

⁷⁵ Peterson, Clay County, 65.

with mail facilities.⁷⁶ The increase in the number of post-offices between 1870 and 1878 indicates to a certain degree the increase of settlement. This list for 1878 is as follows: Alsen, Bloomingdale, Bluff Center, Burbank, Glenwood, Lincoln, Greenfield, Meckling, Lodi, Riverside, Star Corner, Saybrook and Vermillion.⁷⁷

V. Prosperity (1868-1873)

The spring of 1868 was full of promise to the people of Clay County and the first real boom began. During the year there was a great influx of settlers, in fact the rush to all parts of Dakota was so rapid that at the close of 1868 the population of the territory was estimated at 12,000.¹ The records of the Vermillion land office, the only one in the territory at the time, show that 186 claims were taken during the month of May and in June the number was 300.² This period of boom and prosperity lasted until 1873, when it was brought to an end by the devastation caused by grasshoppers.³ There are several reasons for its coming. With the close of the Civil War had come an increased feeling of security from the Indians. Several forts had been built in the territory and the various military expeditions through this section seemed to increase the interest in the frontier of Southeastern Dakota. The crops of 1867 and 1868 had been uniformly good and the settlers of the county had been writing glowing descriptions of this section to their eastern friends. As a result many of them immigrated to this portion of Dakota.⁴ In 1868, the Sioux City and Pacific Railroad was completed and Sioux City was connected with the East by rail. This placed a railroad within four miles of the eastern line of Dakota Territory, and Vermillion and Clay County were brought within two days travel of Chicago.⁵ By this time the roads on the Missouri River bottoms were excellent in dry weather. There were also fair roads in

⁷⁶ Kingsbury 1, 537-38.

⁷⁷ U. S. Official Directory 1878, 91-92.

¹ Andreas, 100.

² Kingsbury, 1, 533.

³ Visher, 141.

⁴ Foster, 40.

⁵ Foster, 35.

other parts of the county. The rivers and streams were crossed by good substantial bridges, as Congress had been liberal in its donations. J. McHenry and H. Compton were the leading merchants in Vermillion at this time, and did a large business in supplies and produce. They hauled their goods from Sioux City by team, and after the arrival of the railroad they bought and shipped out some of the farmers' surplus grain, which amounted to thousands of bushels.⁶ Another reason for the boom was the rapid occupation of the government land in Iowa. After the Civil War, great numbers of homesteaders, including many discharged soldiers from the Union army, migrated westward into Iowa and took up government land. As a result, that state's unoccupied land was getting scarce, and the immigrants from the east began to look toward Dakota as the nearest and most practicable place in which to locate a homestead.⁷ Real estate and land agents in this section were very active, and Dakota was widely advertised. Another factor influencing the boom was the good financial condition of the period. Prices for articles bought by the farmer were not high and his products brought a fair price.⁸

Flour, per cwt.	\$2.75
Corn meal, per cwt.	2.50
Beef, per pound ....	.15
Salt pork, per pound ....	.25
Ham, per pound ....	.25
Fish (various kinds) per pound ....	.15
Sugar, per pound .....\$	.12 to .16
Coffee, per pound ....	.20 to .30
Cheese, per pound ....	.20 to .25
Eggs, per dozen ....	.15 to .20
Potatoes, per bushel ....	.50 to .60
Corn, per bushel ....	.75 to 1.00
Oats, per bushel ....	.40 to .80
Wheat per bushel ....	.75 to 1.00

⁶ Kingsbury 1, 504.

⁷ Foster, 35. Visher, 141-142. Kingsbury 1, 504.

⁸ Foster, 87-88-93. Fosters "History of Dakota" published in 1869 was a small pamphlet written for the purpose of advertising this section of Dakota. This may have had some effect upon his statistics.

Onions, per bushel	1.00
Butter, per pound .....	.20 to .30
Live hogs .....	.05 to .10
Milch cows	35.00 to 50.00
Chickens, each .....	.50
Hay, per ton	5.00

There was a strong demand for masons and carpenters and for all the building trades. Labor of all kinds was at a premium and there was a shortage of native lumber.⁹ Some informing statistics follow:

Day laborers without board \$2.00 per day.
 Laborers with board per month \$20 to \$30.
 Carpenters per day \$3.50.
 Masons per day \$5.00.
 Teachers \$20 to \$100 per month.
 Clerks and bookkeepers \$40 to \$100 per month.
 Hired girls \$2.00 to \$4.00 per week.
 Team work per day \$5.00.
 Pine siding \$31 to \$35 per M.
 Pine, inch, \$55 to \$75 per M.
 Cottonwood \$20 to \$25 per M.
 Pine doors \$2.75 to \$4.00 each.
 Brick per M. \$10 to \$12.
 House logs 50c to \$1.00 each.
 Nails, per lb., 6 to 10c.
 Lime per bu., 50c to \$1.00.

Taxes during this period were not heavy and as a rule in Clay County did not exceed one percent of the valuation.¹⁰ Because of low taxes and good rates of interest paid for money, many wealthy men in the Eastern states sent their money to Dakota for investment. Large sums were invested in Clay County and as a result there were many demands for property, the demand often exceeding the supply. As a result the prices for town property and farm land were high during this boom period. They were considerably higher

⁹ Foster, 97. Kingsbury 1, 533.

¹⁰ Foster, 97.

than they were twenty years later.¹¹ Prices for the period are given as follows:¹²

Town lots \$50.00 to \$2000.00.

Improved land \$8.00 to \$25.00 per acre.

Unimproved land \$3.00 to \$8.00 per acre.

Heavily wooded land \$55.00 to \$40.00 per acre.

In 1872, land near Vermillion regularly sold at \$15.00 to \$30.00 per acre.

As early as 1867 the growing interests of Dakota were urgently demanding railroad facilities. Clay County was very active in this agitation. The farmers needed cheaper and more speedy transportation for their surplus products. At this time there was beginning to be a considerable surplus of wheat in the county and there was no economical way to market it as wagon transportation to Sioux City ate up the profits. The merchants needed better facilities for procuring their merchandise and the settlers needed ampler and more comfortable facilities for traveling.¹³

In the winter of 1866 and 1867, the territorial legislature enacted a law incorporating the Dakota and Northwestern Railroad.¹⁴ The granting of this charter marks the beginning of earnest efforts to secure a railroad west from Sioux City. From all indications the corporation was founded in good faith with the object of building a railroad from Sioux City up the Missouri Valley touching at Elk Point, Vermillion and Yankton. This act of incorporation was the last of the special charters granted to any corporation or individual in Dakota Territory. Congress, in 1868, passed an act prohibiting territorial legislatures from granting charters of this sort.¹⁵ During 1868 and 1869 this corporation, according to its charter, made a profile survey between Sioux City and Yankton, and graded about a mile of roadbed near Elk Point, in Union County. When the charter was granted the people of this section expected Congress to make a donation of public land to the territory to aid in building rail-

¹¹ Kingsbury 1, 504.

¹² Foster, 88. Visher, 159.

¹³ Kingsbury 1, 601. Robinson 1, 244-247.

¹⁴ Territorial Session Laws 6, 247.

¹⁵ Congressional Globe, 3rd session 40th Congress. House Bill 767.

roads. In fact the building of the Dakota and Northwestern depended largely upon such a grant if it were to be successful. Congress at this time was opposed to any further land grants to railroads and as time went by the prospect of government aid grew hopeless. The charter of the corporation as granted in 1867 was considered too liberal and the succeeding legislature passed a bill amending it. This bill was vetoed by the governor. This action tended to create an impression injurious to the company in certain parts of the Territory. In the meantime the Dakota and Northwestern transferred its franchise to an Iowa company. This did not tend to improve the hard feeling already created against the corporation in this vicinity. For this reason it was very difficult to combine the leading local interests in its favor.¹⁶

In 1869 and 1870 the crops in Clay County were exceedingly good. The farmers in many instances raised forty bushels of wheat to the acre. This caused a considerable surplus of wheat and there was no economic and practicable way to dispose of it. Wagon transportation to Sioux City was too expensive and steamboats could not be depended upon, as navigation was impossible because of ice just when boats were most needed to move the grain.¹⁷ During these years the necessity of a railroad was forced upon the attention of the settlers more than ever. They realized that conditions were not likely to improve, but would grow worse as time went on. Although the situation was keenly felt at home, railroad builders did not seem to be favorably impressed. They looked upon the project with disfavor as not promising adequate returns for the money invested and refused to consider it even with a large subsidy of land or bonds.

The Dakota and Northwestern Company held its last annual meeting at Yankton, January 2, 1871. On March 17, following this meeting, a number of citizens met at Yankton and organized a railroad company with the title of the "Dakota Southern Railway Company," and filed articles of incorporation. These articles did not definitely fix the eastern

¹⁶ Kingsbury, 616.

¹⁷ Armstrong, M. K.: "Centennial Address on Dakota Territory" 14-15.

terminus of the road, but left it to be located at any point between the mouth of the Big Sioux River and the Rock River which empties into the Big Sioux near the north line of Union County. This was done in order that the company might be free to locate its line to a connection with LeMars or to go to Sioux City. In April 1871, the business men of LeMars, Iowa, organized the "LeMars and Sioux River Railway Company." They planned to construct a railroad westward from LeMars to some point on the Big Sioux River to connect with the Dakota Southern. The citizens of LeMars were strongly in support of the project and were willing to furnish the money necessary to build the road east of the Big Sioux.¹⁸ Their representatives visited Yankton and consulted with the Dakota Southern officials and all agreed that the line should be constructed as early as possible. This plan was not encouraged by the Illinois Central Railway Company, which was at that time operating the Dubuque and Pacific Railroad to LeMars over leased property. They did not consider the Yankton extension as favorable to their interests. Sioux City, who realized that its Dakota trade was of vital importance opposed the LeMars connection as exceedingly detrimental to their business. The Sioux City and Pacific road, which had been completed as far as Sioux City in 1868, set out to dissuade the Illinois Central from cooperating with LeMars. The Yankton people much preferred the LeMars connection to Sioux City and were supported by the northern section of Union County. But they were anxious to secure railroad facilities as early as possible and saw that they were somewhat dependent upon the moneyed men and the politicians of Clay County and therefore must consider what they wanted. Most of the Clay County settlers favored a southern connection which would go from Sioux City along the Missouri Valley to Yankton, passing through Vermillion. The final decision was to unite the Dakota Southern at the Big Sioux River with a new project called the Sioux City and Remburn, which was planned to extend from Sioux City to the Big Sioux River, and unite there with the Dakota

¹⁸ Kingsbury 1, 618.

Southern. There was also to be an extension to Canton, Sioux Falls and Pembina.¹⁹

An extra session of the territorial legislature was called April 18, 1871. A bill was passed authorizing counties and townships to vote aid to any railroad and to provide payment of the same by issuing bonds. It was signed by the governor April 21, 1871. Yankton County immediately called an election and voted to issue \$200,000 in county bonds. The vote on the proposition was 542 in favor and 126 against. The Dakota Southern Company let the building contract to Wicker, Meckling and Company October 24, 1871. It seemed at this time that many of the settlers in Clay and Union Counties were opposed to issuing bonds to aid railroads. A railroad bond election was held in Clay County on November 11, 1871. The question was taken on donating \$60,000 to the railroad. The result of the vote was 168 in favor and 601 opposed. The sentiment was about the same throughout Union County with the exception of Elk Point township. They saw that a county vote would fail, so an election was held for the township of Elk Point May 1, 1872. It was voted to donate \$15,000 in bonds to the Dakota Southern. On June 12, 1872, the county commissioners of Yankton County executed and delivered the first \$100,000 of county bonds to Wicker, Meckling and Company. The remaining \$100,000 was delivered in December. At that time the line had been completed as far as Elk Point and the work was being pushed on the unfinished portion.²⁰

On September 4, 1872, another vote was taken in Clay County upon the proposition of subscribing \$30,000 to the capital stock of the railroad company. The sentiment of the county was very much against it from the start, but a few influential business men in the county, who were friends of the plan, decided to put it to a vote. The result was 471 against and 168 in favor. In Bloomingdale precinct the vote was 283 against and 2 in favor. Considerable bitterness was shown throughout the county on the proposition. Most of the votes in favor came from the City of Vermillion, which

¹⁹ Kingsbury 1, 618-619. Armstrong, Centennial Address, 15-16.

²⁰ Kingsbury 1, 631. Robinson 1, 246-249. Andreas, 98-158.

indicates that in the rural districts there was much hostility toward a bond subsidy. The farmers favored the railroads but held that the cities or towns would reap the larger benefit and should therefore do the subsidizing.

The Vermillion property owners finally made an agreement with the railroad company by which the company was to locate a station there, if the citizens would build a depot costing \$4,000, procure the right of way through Clay County and deed the company 150 city lots. The construction train arrived at Vermillion November 25, 1872, and the road was opened to general traffic December 10. The road was completed to Yankton January 25, 1873, and regular passenger trains started to run from Sioux City to Yankton February 3, 1873.²¹ The great handicap of the early days was now over and the most material need of Clay County had been supplied. Ample transportation facilities for surplus agricultural products were furnished, also commercial facilities for merchants to transact their business in an economical and satisfactory manner. A modern highway had been opened up to Clay County. The effect of the railroad is shown in the value of land. In 1872, land near Vermillion sold regularly at \$15.00 to \$30.00 per acre, while ten miles north land sold for \$3.00 to \$10.00.²²

After ten years of settlement and experience the farmers of Clay County, who had carefully observed the climate, soil and production, had reached the conclusion that this was an excellent section for general farming and the raising of domestic animals. The recent crops had been good, wheat going as high as thirty to forty bushels to the acre. Little winter wheat was planted during this early period, the settlers attention being given to the spring varieties.²³ Oats and barley were being raised with great success. A considerable acreage of corn was being planted, but it was not generally considered as certain a crop as the small grains.²⁴ The soil

²¹ Kingsbury, 631-34.

²² Visher, 159.

²³ Federal census 1870, volume 70 on Industry and Wealth, page 113. Winter Wheat did not become popular in this section until the 90's as it was considered a risky crop because of the uncertain snowfall. It was apt to be winter killed as the high winds blew away the surface soil during the comparatively snowless winters. Kingsbury Vol. 1, 531.

²⁴ Foster, 93. Federal census 1870, volume on Industry and Wealth, page 113.

seemed to have become somewhat domesticated by tillage and to be peculiarly adapted to raising vegetables. Potatoes, beets, onions, cabbage, pumpkins and other garden truck was raised in large quantities. Judge Kidder, on his farm near Vermillion, raised potatoes that were extremely large. According to Kingsbury, he dug twelve potatoes from one hill that weighed sixteen pounds.²⁵ The editor of the Dakota Republican writes that he sent his father living in Maine an onion weighing eighteen ounces.²⁶

The ninth census of the United States taken for 1870 gives the following statistics for Clay County and shows the extent of development and progress.

Population (native)²⁷ Where born:

Dakota Territory	329
Iowa	282
Illinois	214
New York	211
Pennsylvania	160
Ohio	143
Others	416

Total1755

Population (foreign born)²⁸ Where born:

Norway and Sweden	559
Denmark	87
British America	79
Ireland and Scotland	61
Germany	37
England and Wales	29
France	12
Others	2

Total 866

Total population 18702621

Total population 1861 484²⁹

²⁵ Kingsbury Vol. 1, 531.

²⁶ Foster, 93.

²⁷ Federal census 1870, Vol. on population and social statistics, 348

²⁸ Ibid.

²⁹ Sioux City Journal, August 20, 1914, 13.

Total population 1860 202³⁰

General Statistics on Manufactures and Industry:³¹

No. of establishments	4
Steam engines (68 horse power)	3
Water wheels (26 horsepower)	2
Hands employed	25
Number of families	704
Number of dwellings	408
Capital	\$22,500
Wages	4,234
Material	28,672
Products	55,720

Selected Statistics of Manufactures:³²

Flour Mills—

Establishments	1
Hands Employed	3
Capital	\$10,000
Wages	2,000
Material	21,600
Products	36,360

Saw Mills—

Establishments	2
Hands employed	14
Capital	\$9,100
Wages	2,200
Material	6,960
Products	19,080

Statistics on Wealth, Taxation and Public Indebtedness.³³

Assessed value of real estate	\$300,000
Assessed value of personal estate	200,000

Total assessed value of both \$500,000

True value of real and personal estates \$1,145,443

³⁰ Federal Census 1860.

³¹ Federal Census 1870, Vol. on industry and wealth, 502.

³² Federal Census 1870, Vol. on industry and wealth, 644.

³³ Ibid, 644.

Taxation for Clay County:

Territorial tax	\$ 263
County tax	4,013
Total	4,276

Public Debt: None in Clay County.

Statistics on Agriculture:³⁴

Acres of improved land	\$ 12,809
Acres of unimproved land (woods)	3,462
Acres of other unimproved land	68,957
Present cash value of farms	603,310
Value of implements and machinery	40,271
Total amount of wages paid during the year including the value of board	31,819
Total (estimated) value of all farm pro- ductions including betterments and additions to stock	184,203
Value of home manufactures	203
Value of animals slaughtered or sold for slaughter	8,516

Products of Clay County:³⁵

Wool, pounds	775
Beans and peas, bushels	399
Potatoes, bushels	19,668
Butter, pounds	14,250
Cheese, pounds	1,850
Hay, tons	8,855
Wheat, spring, bushels	55,602
Wheat, winter, bushels	0
Rye, bushels	0
Indian corn, bushels	29,476
Oats, bushels	41,016
Barley, bushels	2,056
Sorghum, gallons	1,230
Wax, pounds	6
Honey, pounds	100

³⁴ Ibid, 20.

³⁵ Federal Census 1870, volume on Industry and Wealth, 112-113.

Live Stock—

Value of all stock	\$200,201
Horses, No.	666
Mules	43
Milk cows	1,237
Working oxen	623
Other cattle	1,442
Sheep	380
Swine	474

In 1872, Dakota Territory produced 2,275,000 bushels of wheat. Of this amount 650,000 bushels were grown in Clay County. At that time, there were ten flour mills in the territory, four of which were located in the county; namely, at Vermillion, Bloomingdale, Lodi and Liberty.³⁶ Vermillion was the county seat and by far the most important town in the county. Altho it had grown and improved during this period to meet the demands of the surrounding country for a market and trading point, still the number of farms and farming population had increased in greater proportion.³⁷ The only other permanent town in the county at this time was Lincoln (Meckling).³⁸ The government land was all taken in the county by 1872,³⁹ and there was no longer any reason to advertise this section for the purpose of attracting homesteaders. Clay County, at the close of the first boom period, gave every promise of a reasonably steady growth and of moderate prosperity.

VI. Depression, 1873 to 1878

The period from 1868 to 1873 was one of unparalleled prosperity thruout all of the United States. Every line of business felt the stimulus of war tariffs and war prices. In anticipation of large profits, entrepreneurs borrowed heavily and paid high rates of interest in order to extend their busi-

³⁶ Kingsbury 1, 671. According to the Federal Census for 1870 there was only one flour mill in Clay County (see page 71). The increase in number to four shows the attempt to take care of the surplus wheat raised in the county which could not be shipped out because of the lack of a railroad and the expense of wagon transportation (see page 63).

³⁷ Population of Clay County in 1870 was 2621. About 600 of these lived in Vermillion.

³⁸ Kingsbury 1, 539.

³⁹ Peterson, Clay County, 58.

nesses and carry out various projects. It was a period of overspeculation along lines of manufacturing, and in railroad building. The homestead act contributed its full share to the investment craze. Many eastern capitalists invested money in Clay County land and property at rather inflated prices. Many of the pioneers eager to improve and enlarge their holdings borrowed money from eastern capitalists, mortgaging their property as security. They, like other business men, committed the mistake of sinking in improvements more money than could be made out of surplus products for years to come. When payment and interest failed to be paid, the creditor often foreclosed and took the land in lieu of payment. This land, however, could not readily be converted into cash and therefore became a losing investment.¹ For two years preceding the crisis, money was scarce and rates of interest were high; especially in the autumn when farm products were being moved to market. In September 1873, financial operations were paralyzed by a series of colossal failures and a financial panic swept over the entire country. In a few months there were 47,000 failures and a loss of over a billion dollars, while some three million workmen were thrown out of work by the closing down of business enterprises.² This period of depression was felt in Clay County, but not nearly so much as in the industrial centers. Being an agricultural community the county could support itself by raising its own food. The panic of 1873, therefore, was only one of the contributing causes of the period of depression here.³

After the railroad entered this section in 1872 and 1873, another danger threatened Clay County. Crops had been good for several years and the settlers had every reason to believe that they would continue to be so. Continued prosperity had brought overconfidence. Because of this, the farmers felt it safe to take risks which they would previously have avoided. For years, the wheat yield had been large and prices very satisfactory. A single farmer

¹Coman, K.: "The Industrial History of the U. S.," 301-303. Rich, D. R.: "The Financial History of U. S.," 370-372.

²Coman, 303.

³Peterson, Clay County, 58.

often raised 500 to 1000 bushels and the price was often more than a dollar per bushel. Altho some attention was being given to corn and the raising of livestock, wheat had proven to be the most profitable crop until it had become firmly established as the chief one.⁴ The wheat farmer, therefore, felt himself well on the highroad to success. The one handicap to raising a large acreage of wheat was that the old methods of planting and harvesting were tiresome and slow and became more wearisome as the acreage increased. There had been improvements in machinery for taking care of and threshing the grain and their agents were numerous thruout the county. Many of the farmers, made reckless by continued prosperity, purchased the improved and very expensive machinery. Money was often borrowed and a mortgage given as security. The rate of interest paid on the money was usually excessive and when reverses came many of the hard earned homes were in danger and the "dark days" of Clay County began.⁵

The crops of 1873 were in excellent shape until late in July when grasshoppers appeared. They destroyed the corn and gardens but about two-thirds of a grain crop was harvested.⁶ The spring and summer of 1874 looked promising. There was abundant rainfall and the crops were good. Harvesting had fairly begun when about the last week in August there appeared from the Northwest a peculiar looking cloud. By 4 o'clock that afternoon it had gradually settled and millions of grasshoppers began to devour the crops. Attempts were made to continue harvesting but the insects clogged the machinery. When night came they moved on leaving behind them a scene of desolation, broken hopes and saddened homes. Clay County was not alone in this misfortune, all of Dakota Territory, Iowa and parts of Nebraska, Minnesota, Missouri, Kansas, and Colorado suffered also. Hardships and privations naturally followed.

⁴ The Federal Census for 1870 in the volume on Industry and Wealth, page 113, gives the amount of wheat produced in Clay County as 55,602 bushels, corn 29,476. Kingsbury 1, 671, gives

⁵ Peterson, Clay County, 59. The files of the Dakota Republican for 1875 and 1876 are filled with notices of mortgage and sheriff sales.

⁶ Dakota Republican May 17, 1878. "A History of Grasshoppers in Clay County."

The farmers who had lost their crops were unable to get work as no one had any work to do nor money with which to pay. There was very little wheat or grain of any kind to be sold, none for food nor to feed the cattle during the winter. Cornbread became the staple article of food, while burnt peas or wheat took the place of coffee. Meat, sugar, tea, coffee, lard and wheat flour became luxuries that few could afford.⁷

The winter that followed was an unusually severe one. There was much stormy, cold weather with heavy snows, which added much to the settlers difficulties, as fuel was scarce and expensive. Many families on the prairies, with very poor houses, were largely dependent upon prairie hay for heating purposes. During the fall and early winter many of the older and wealthy citizens were liberal with their aid and were able to supply the needy. But as the winter advanced, destitution became such a common condition that it became apparent that the resources of the generous class would not be sufficient.⁸

A county relief organization was perfected at Vermillion January 12, 1875, under the title of the Clay County Aid and Relief Society. M. D. Thompson was elected president and W. O. Devay, secretary, with several vice-presidents. The purpose of the society was to canvass the county carefully and to do everything possible to alleviate the suffering of the poor. The sufferers were urged to make themselves known to the relief committee and their needs would be provided for.⁹ While the people of the county were devoting themselves to the relief of the farmers who were in want, a disastrous fire in Vermillion (January 13, 1875) practically destroyed the town. About thirty business buildings, located largely on the river bottom were burned. There was no courthouse at that time and the various county officers conducted their business in rented offices. Nearly all the county records were lost and the county treasurer lost

⁷ Peterson, Clay County, 59. Kingsbury 1, 842. Robinson 1, 275. Dakota Republican May 17, 1878. Questionnaires from early settlers.

⁸ Robinson 1, 268. S. D. Historical Coll. 3, 142.

⁹ Dakota Republican Jan. 24, 1875.

\$3,000 in money.¹⁰ Twenty seven hundred dollars of this sum was for school purposes, and in consequence there were no regular schools in Clay County the succeeding year. Because of the rather exposed situation of the town, insurance rates had been rather high, and as a result the property owners had carried only a small amount of indemnity.¹¹ The fire together with the grasshopper raids left Clay County rather impoverished.

During the latter part of January, 1875, Representative Harlan of Clay County, introduced a bill in the territorial legislature to provide assistance and seed grain to those settlers of the territory who were in need because of the grasshopper devastation. The bill provided for the immediate issue of \$25,000 in bonds running for ten years at 10% interest. Governor Pennington vetoed the bill because he claimed there was no warrant of law or precedent for the issuance of territorial bonds. The bill was passed over the governor's veto but no attempt was made to carry it into effect.¹² Mistaken courage and pride caused the people of the county to resent the effort of the legislature to aid those who were in want. An editorial appeared in the Dakota Republican which criticized the bill quite severely, "The counties of Dakota Territory are neither bankrupt nor helpless, and the publication of such a bill to the world is a libel and we enter our solemn protest against it. Does anyone pretend that Clay County is unable to take care of its poor? Such an idea is simply ludicrous."¹³ This statement shows spirit and courage but it also shows that many of the people and public officers of the county did not comprehend the extent of the damage done by the grasshoppers. Long before the winter was over they came to realize that ample help could not be provided by friends and relatives in the county. A territorial committee was named by the governor to receive donations and to distribute them. This committee handled a great deal of money, food and clothes,

¹⁰ Dakota Republican Jan. 14, 1875. Dakota Republican Jan. 21, 1875. Kingsbury 1, 845.

¹¹ Kingsbury 1, 845.

¹² Territorial Session Laws 11, 36. Dakota Republican Jan. 28, 1875.

¹³ Dakota Republican, Jan. 28, 1875.

and distributed them judiciously and impartially. They kept an itemized record of their receipts and disbursements¹⁴ and their work as a whole was very effective and efficient. General W. H. H. Beadle was very active on this committee.¹⁵

A relief convention, summoned by the "Iowa Executive Relief Committee," was held at Fort Dodge on February 2, 1875. It was called the "Seed Convention," and the representatives from Dakota were W. H. H. Beadle of Yankton County, M. D. Thompson and W. O. Devay of Clay County. The work of this convention was to collect money and to furnish seed grain to the sufferers. About \$20,000 was spent for that purpose. The United States Government joined the relief forces during the winter and appropriated \$150,000 to purchase food for those who were in want.¹⁶ The distribution was made during March and April and Clay County received 17,312 pounds of flour and 8,656 pounds of bacon. This was distributed to 173 families of 930 persons.¹⁷

By spring most of the needy settlers had been provided with food, clothes, and seed grain, and toward the middle of May the appeals for help had died away and a period of reasonable prosperity began.¹⁸ The year was an excellent one and altho grasshoppers caused great devastation in other sections, none appeared in Clay County.¹⁹ During August and September, heavy rains kept the farmers from threshing and harvesting their grain for several weeks, but during the middle of September conditions improved and a good harvest was gathered.²⁰ A harvest festival and county fair was held at Vermillion on September 22, 23, and 24, for the purpose of celebration. More produce was raised in the county in 1875 than in the three years previous.²¹

In 1876 the crops promised splendid returns and the grain that ripened early was gathered without loss. On

¹⁴ Dakota Republican April 8, 15, 1875, gives reports of the various relief committees and societies.

¹⁵ Dakota Republican Feb. 18, 25, 1875.

¹⁶ Kingsbury 1, 847. Dakota Republican Feb. 11, 1875.

¹⁷ Dakota Republican Feb. 25, April 29, May 6, 1875. Kingsbury 1, 847-848.

¹⁸ Dakota Republican May 13, 1875.

¹⁹ Dakota Republican May 17, 1878, "History of Grasshoppers in Clay County."

²⁰ Dakota Republican Aug. 19, Sept. 11, 16, 18, 1875.

²¹ Dakota Republican Dec. 30, 1875, "Editorial on Progress."

July 27 the grasshoppers came again in appalling numbers, many more than in 1873 or 1874. In a single day the corn, grain, gardens and most of the potato crop were destroyed. About one-third of the small grain had been saved in advance and this was sufficient with what was left over from the year before to render the people free from want and only in a few cases was it necessary for the public to assist.²² Governor Pillsbury of Minnesota called a convention of governors of the states suffering from grasshoppers to meet at Omaha to consider the situation and if possible to provide means for fighting the pest. Governor Pennington represented Dakota Territory at the convention but nothing of practical value resulted.²³

To add to the suffering and want caused by the grasshopper raids, many of the farmers were heavily in debt and paying exorbitant rates of interest. Their debts rapidly increased and their land rapidly depreciated in value, until a quarter section could be bought for \$50 to \$200. Mortgage and sheriff sales were frequent during the next few years.²⁴ The execution of foreclosures at public auction was often unfair to the debtor as the price received was often less than half the nominal value of the property.²⁵ Many heartsick and discouraged settlers lost the homes they had labored so hard to gain. When one hears the various stories of the hardships suffered by these people, he can only wonder that so many remained.

By 1877, conditions began to improve, and many families further east, who had been reduced to bankruptcy by the panic of 1873, had "Gathered themselves together" and were looking for an opportunity to begin life anew. Many of them saw their opportunity in Dakota, and in spite of the discouraging state of agriculture, many new settlers came to Clay County.²⁶ Early in January 1877, reports came

²² Dakota Republican Aug. 3, 1876.

²³ Dakota Republican October 17, 1876.

²⁴ The Dakota Republican for the years 1875-1876 and 1877 contains many notices of mortgage and sheriff sales.

²⁵ An editorial appears in the Dakota Republican for Jan. 25, 1877, calling for a law against the selling of property in execution of foreclosure at public auction for mere nominal sums. It further states "a law of this kind would in a great measure protect the debtor and in any event give him half price for his property."

²⁶ Robinson 1, 285-286.

from all parts of the Territory to the effect that nearly all the eggs deposited by grasshoppers had hatched during a warm spell and had been killed by the cold weather that followed. All indications were that this section of the state would be comparatively free from grasshoppers in the spring.²⁷ During the spring months the prairies were burned in order to destroy the eggs that had escaped early in the year.²⁸ The county was not bothered by grasshoppers that year. The season was favored by timely rains and everything looked favorable for a bountiful crop.²⁹ Just before harvest a very destructive hail storm passed over the county traveling in a southwesterly direction. It covered a strip two miles wide and destroyed³⁰ all of the crops in the section over which it passed. The loss was not general thruout the county as all other parts of the county reported a good crop of corn, wheat, oats, barley, and potatoes. An agricultural fair was held at Vermillion during the second week in October and results were very satisfactory.³¹

By 1878 Clay County had lived thru all the perplexing problems of frontier life and had passed thru the various stages in a fairly successful manner. The conditions in the county at this time were quite typical of those prevalent in most of the settled counties of this section. By 1878 the county was able to send out a guarantee of an excellent farming community. Forest culture had received some attention and many of the farmers in the county had enough cultivated timber for domestic purposes. Various experiments in fruit culture gave gratifying prospects and the outlook for the future was exceedingly bright.³²

VII. Revival of Prosperity and Rapid Development 1878-86

By 1878, Clay County contained 5000 inhabitants, and the city of Vermillion which had been destroyed by fire in 1875 had been rebuilt in a more substantial manner than before contained a population of about 700. It was far

²⁷ Dakota Republican, Jan. 4, 11, 1877.

²⁸ Dakota Republican March 22, 1877.

²⁹ Dakota Republican Aug. 30, 1877.

³⁰ Kingsbury 2, 1033. Dakota Republican Sept. 6, 1877.

³¹ Dakota Republican Oct. 14, 1877.

³² Kingsbury 2, 1061-62.

more important and did a much greater business at this time than its population would indicate, for it drew trade from a wide territory. From September 1877 to January 1, 1878, Vermillion shipped out 800,000 bushels of wheat. The average price received was 80 cents per bushel. Large shipments of butter, eggs, oats, barley, cattle, hogs, hides and wool went likewise to eastern markets.¹ In 1878 the city could boast seven churches and a grade school of over 200 pupils with four teachers. Its business directory was as follows:²

Lawyers	7
Physicians	4
Dentist	1
Real estate dealer	1
Drug stores	4
Drygoods stores	6
Shoe stores	2
Harness shops	3
Grocery stores	3
Millinery stores	2
Restaurant	1
Book and stationery store	1
Abstract office	1
Hardware stores	2
Furniture store	1
Jewelry stores	2
Photograph gallery	1
Meat markets	3
Lumber yards	3
Elevators	5
Flour Mill	1
Machinery dealers	4
Banks	2
Printing	2
Hotels	5
Saloons	4
Blacksmiths	5

¹ Dakota Republican Jan. 17, 1878. Kingsbury 2, 1061.

² Dakota Republican Jan. 17, 1878 (Business Directory).

Wagon shops	2
Billiard halls	2
Barber shop	1
Tailor shops	2
Contractors	2
Musical organizations	2

The period of boom and prosperity which began in 1877 developed in volume in 1878 and the new settlers came to stay and to farm upon a much larger scale than the earlier settlers. Conditions were ideal for a man with a little capital to begin farming.³ Land was cheap, crops were good and produce brought a fair price while the necessities of life could be bought cheaply, as a brief list will indicate:

Vermillion Market, June 6th, 1878⁴—

Corn per bushel	\$.32
Wheat per bushel .....	.70
Beans per bushel	3.50
Potatoes per bushel .....	.35
Sugar, pound .....	.12½
Coffee, pound	20 to .25
Lard .....	.04 and .05
Flour, 100 lbs.	2.50
Oats, per bushel .....	.25
Barley, per bushel .....	.25
Butter .....	.08
Eggs .....	.06
Bacon .....	.10
Ham .....	.10
Mess Pork .....	.12
Corn meal per cwt.....	\$1.60 to 1.75
Beef Cattle per cwt.	2.75
Calves per head	\$2.50 to 6.00
Hogs per cwt.	4.00
Sheep, per cwt.	6.50

³ Robinson 1, 294. The Dakota Republican for 1878 gives few notices of mortgage and sheriff sales.

⁴ Dakota Republican June 6, 1878.

It was a time of abounding hope and even greater action, and the motive was chiefly agriculture. This period of boom and rapid development from 1878 to 1886 is very important in the history of Clay County and because of its importance it is desirable to consider carefully the factors and influences which produced it.

The greatest factor in the development and progress of Clay County during this period, except its fertile land, was the railroad. The early homesteaders held down their claims in hope that a railroad would appear and make their land valuable. During the early years few surplus products were raised because of the lack of markets, and before the railroads came most of the homesteaders were dependent, in part at least, upon the earnings secured from other regions. Without good transportation facilities, or at least the expectation of their being soon provided, the boom would not have been possible. Even if the crops of wheat, corn and vegetables had been good, farming would not have been profitable if there had not been sufficient markets.⁵ Several years before the boom the area of Clay County had been served by a railroad, and by 1878 the county and territorial roads and bridges were in fairly good condition.⁶ Many ferries had been established and it was not difficult to get the produce to some point on the railroad. The railroad companies supplied more than transportation facilities. They printed pamphlets and put advertisements in the newspapers describing the country and praising its advantages.⁷ They offered many valuable suggestions and in many cases were "explorer, carrier, provider, thinker, heart, soul and intellect of the settlers."⁸

Another cause of primary importance was of a geographic nature and had to do with rainfall or moisture. Altho the irregularity in the amount and distribution of

⁵ Visher, 148. Thomas Jordan questionnaire and personal interview. Andreas, 98.

⁶ Territorial session laws 1, 441. An act establishing a territorial road from Vermillion to Yankton. Session Laws 1, 443. An act establishing a territorial road thru Vermillion. Session Laws 4, 255. An act locating a territorial road in Clay County.

⁷ Session Laws 1, 508-509. Acts establishing two ferries across the Vermillion River.

⁸ Kerr, R. F.; "Address to S. D. Hist. Soc.," S. D. Hist. Coll. 5, 81.

precipitation has been one of the climatic handicaps of Clay County, and periods of drought are rather common, this section has never had a general failure of both corn and small grain because of the lack of moisture. During the boom period the rainfall was ample and came at such times as to permit good crops. Had the period from 1878 to 1886 been as dry as the preceding eight years or the eight years which followed, there probably would have been no such boom. Altho the winter of 1880 and 1881 tended to give Dakota Territory a bad reputation because of the blizzards and heavy snowfall, in the long run it favored the boom. In March and April, when the snow melted, it saturated the soil and subsoil with water. Many of the undrained depressions contained water for several years afterward. As a result of this heavy snowfall, the water table was higher for several years and many hold that it influenced the crops for several seasons. There can be no doubt but that the snow made the atmosphere more humid for several years and in that way aided in attracting prospective settlers by influencing the crops.⁹

Another potent factor influencing the boom was the earlier occupation of the more desirable land further east and its gradual raise in price. This raise in price was accompanied by a raise in taxes.¹⁰ This caused many people to seek free land or at least a place where it was cheaper and taxes were lower. As a result many came to Clay County.¹¹ Another factor was that the level fields of this section gave it distinct advantages over the stony, rugged, stumpy lands to the east. The land here was level and ready for the plow and it was not necessary to clear it of trees, brush or stones. The new labor-saving machinery could be used here to better advantage, which made large scale farming possible.¹² Bumper crops had already established the county's reputation for fertility of soil.

During the years of crop failures and hardship the farmers had learned many lessons and had thought out

⁹ Visher, 50, 146-147.

¹⁰ Thomas Jordan questionnaire and interview.

¹¹ Visher, 148.

¹² Visher, 148-149.

many problems for themselves. Wheat farming carried on alone had been disastrous to many. An occasional good crop, even at a dollar per bushel, would not compensate for the frequent losses which came with its culture. It was easily preyed upon by grasshoppers and the farmers came to realize that some surer crop must be raised, something which could not be easily destroyed by grasshoppers and which would furnish food for their cattle and hogs. Clay County farmers soon saw that corn was a surer and better paying crop than wheat and that it made excellent feed for hogs and stock. Because of these advantages corn gradually began to take the place of wheat¹³ and the settlers learned the value of diversified farming.¹⁴ This change in farming marks an important epoch in the growth of the county.¹⁵

At this time considerable money was needed for constructing buildings, breaking sod, and putting in crops. This much-needed money was available, for the nation was now in a prosperous condition. The effects of the panic of 1873 had been largely overcome. Fiat currency had been abolished, bringing improvement in the nation's credit abroad, and a great influx of foreign capital.¹⁶

The discovery of gold in the Black Hills in 1874 and the rush that followed affected the prosperity of the county in several indirect ways. The miners and speculators, together with the people supported directly or indirectly by them, created a demand for food and supplies. The presence of gold and the excitement in the Hills was vividly described in newspapers, magazines and books. This tended to advertise Dakota and helped somewhat to pave the way for a period of rapid development.¹⁷

Altho there were many factors favorable to prosperity in Clay County at this time, there were also certain conditions and influences that reacted in an unfavorable manner.

¹³ Visher, 148-149.

¹⁴ Census 1870, Vol. VII, 113. Wheat raised in Clay County, 55,612 bushels. Corn raised in Clay County, 29,476 bushels. Census 1880 (Compendium, Vol. 1), 753. Wheat raised in Clay County, 8,335 bushels. Corn raised in Clay County, 375,837 bushels.

¹⁵ Peterson, 59-60.

¹⁶ Coman, Katherine, 303.

¹⁷ Visher, 143-146.

One of these factors was the lack of free land in the county. The government land had been practically all taken up by 1871.¹⁸ The fact that there was free land available further north and west was a distinct disadvantage to further growth. Another unfavorable factor was the high interest charged on loans. Altho the rate was originally fixed by law in Dakota Territory at 7% per annum, much higher rates were often charged, as the law provided that a higher rate could be fixed by mutual agreement between borrower and lender. The principle followed here during this period was that money is worth what it will bring. Farmers had learned in the previous time of depression that one who attempts to better his condition by borrowing money on his land at high interest rates is very apt to lose his property thru foreclosure. There was money to be had and there were opportunities for investments where money could be made, but the high rates charged for the money made the settlers very cautious.¹⁹

The winter of 1880 and 1881 tended to give this region a bad reputation as far as its winters were concerned and brought much hardship and suffering upon the unprepared settlers. That winter was a memorable one. It opened here by a most terrible snowstorm in the middle of October. From that time on it snowed almost every day until the snow measured ten feet on the level. The low temperature during the entire season added much to the suffering. Trains, mails and communication of all sorts were completely stopped as the roads were impassable. Farmers ran out of wood and burned corn and even small grain. Some even used their barns and outbuildings for fuel.²⁰ The people of the county were anxious for spring but when it arrived it brought a new trouble in its train.

All along the Missouri Valley were comfortable farm houses, with good buildings, stores of grain and live stock. Since the fire, the city of Vermillion had grown into a substantial and well built town. Some residences had been

¹⁸ Peterson, Clay County, 58.

¹⁹ Kingsbury 2, 998.

²⁰ Dakota Republican, Oct. 21, 1880.

built upon the hill along the edge of the bluff overlooking the town below. But by far the greater number of homes and all the business houses were on the bottom between the bluff and the Missouri River, which at that time ran near the town. Vermillion had attained considerable commercial importance and the whole valley showed every evidence of prosperity.²¹

March 27, 1881, was a very warm day and the snow melted rapidly. The flood with its moving ice attacked the city about midnight. A grove of trees west of town obstructed the ice for a while. Church bells were rung in alarm and the people fled to the bluff. The water rose for several days and was full of floating ice. When it receded there was presented a sickening spectacle. Vermillion and the farmers on the bottom lands in Clay County were probably the greatest losers by the flood in Dakota. The tract of country lying between Vermillion and Gayville was swept clean of practically everything. Houses, barns, fences, cattle, sheep, and hogs were destroyed, leaving the farmers little more than the clothing on their backs,²² their bare lands without horses, farming implements or seed grain to commence farming operations again. Bridges were destroyed and the cold weather, which prevailed during and after the flood, caused much suffering.

At Vermillion the destruction was most complete. Three-fourths of the town was destroyed. One hundred and thirty two buildings were carried away and those remaining were badly twisted and wrecked or moved from their foundations. The streets were strewn with wreckage and debris and conditions were extremely bad. The loss for Clay County was estimated at \$450,000, not including damages that were indirect. The loss for Vermillion Village was estimated at \$142,260. Within a radius of two miles of Meckling, 1250 head of cattle and 125 horses perished. No lives were lost at or in the vicinity of Vermillion but six people were killed near Meckling. There was an appeal

²¹ Dakota Republican June 3, 1881. Dakota Republican July 7, 1881. Peterson, Clay County, 60.

²² Vermillion Standard May 5, 12, 17, 26, 1881.

for aid to the more favored portions of the county and also to the territory in general, and Yankton, Canton and Sioux Falls were conspicuous in their work and aid to the sufferers.²³ The United States Government began to issue rations of flour and bacon to the destitute about April first. It worked thru military channels and Yankton was the central point of distribution for this locality. Tents, clothing and blankets were also issued.²⁴ Seed grain was also provided for the sufferers when they could get back to their farms. Thus the calamity passed, leaving many scars in the form of ruined homes and wrecked fortunes. The flood was decidedly an unfavorable factor, but its effects were not felt for any length of time. The flood demonstrated one fact, that the City of Vermillion was not safe if built upon the river bottom. Not a single business man in Vermillion "dropped out" after the flood.²⁵ Everyone stayed, and a new town was laid out upon the bluff and rebuilt upon a much larger and more liberal plan. What appeared to be such a calamity has been to the town of Vermillion a blessing in disguise. In its new location it is out of danger from the constantly overflowing Missouri and it improved in many ways that never would have been possible in its old location.

Little of political importance took place during the early part of the boom period. In 1878 G. H. Taylor was elected county commissioner, H. E. Hanson, register of deeds; James Steward, assessor; W. C. Bower, probate judge; C. L. Jensen, coroner; C. C. Bridgman, superintendent of schools; H. J. Austin, surveyor; William Shriner, treasurer and G. H. McDonald, sheriff.²⁶

A few changes were made in county offices in 1880. At a special election in August, it was voted to adopt township government and in November the townships were divided and given the names they bear at the present time. At the meeting of the board of county commissioners in April, 1881, it was necessary to expend a large amount of money to

²³ Dakota Republican June 30, 1881. Vermillion Standard May 5, 12, 1881.

²⁴ Dakota Republican July 7, 1881. Kingsbury 2, 1162-63.

²⁵ Dakota Republican July 7, 1881.

²⁶ Peterson, Clay County, 59.

repair the damage caused by the flood. Bridges had been carried away everywhere and had to be rebuilt.²⁷ There had been some agitation for several years in regard to the proposition of building a court house²⁸ but it had always failed. After the flood the people realized that a court house should be built and in September it was brought to a vote and the decision was favorable. The citizens of Vermillion donated lots 8, 9 and 10 and \$800 in money, while the county board added an appropriation of \$2000 for its erection. The building was completed and accepted the next fall.²⁹ In October minor changes were made in the boundary lines between Spirit Mound and Prairie Center Townships. Certain land was allotted to Spirit Mound which had formerly belonged to Prairie Center.³⁰ In April 1882, it was decided to build a county jail and \$3000 were appropriated by the county commissioners for that purpose. F. N. Burdick was elected mayor of Vermillion in 1882 and 1883 on the "street fight issue." When the City of Vermillion was being rebuilt after the flood the question came up as to whether Market Street or Main Street should be the principal business thorofare of the city. The people and business men took sides and the "street fight" controversy arose.³¹ In April 1883, a committee was appointed to revise the city ordinances and to have them printed in pamphlet form. New streets were laid out this year and others renamed.³² During 1883 and 1884 E. F. Peterson a well known mappist and author served as county superintendent of schools. In 1884, F. N. Burdick was again elected mayor. Judge Kidder died during the same year. He was one of the early pioneers here and had always worked for the improvement of the county. About this time trouble came up over the project of building a new town hall. In May 1884, an ordinance to issue bonds to build a city hall was approved by the council. The bond issue election was held in June and was successful. The site for the building was selected in

²⁷ Peterson, Clay County, 60.

²⁸ Dakota Republican, March 3, 1879.

²⁹ Dakota Republican, April 12, 1882.

³⁰ Peterson, Clay County, 61.

³¹ Dakota Republican, Oct. 26, 1882.

³² Dakota Republican, Oct. 19, 1883.

August. A great deal of controversy and hard feeling arose over the sale of bonds and the erection of the building.³³ One of the questions before the people of the county during this period was prohibition. In January 1885, it was decided to submit the question to the people of the county. It was voted upon in November and the county declared dry. At the same election the question of minority representation was defeated and Pierre received the largest number of votes for temporary capital.³⁴ John L. Jolley was elected mayor, but in 1886, F. N. Burdick was again in office.

Thruout the early history of Dakota Territory, there had been expressed at various times a desire for division. A certain group in Clay County had always favored the movement but the agitation had brought no results. During the winter of 1881 and 1882, more than one hundred of Dakota's leading citizens went to Washington to urge Congress to enact a law enabling the southern part of Dakota Territory to form a state constitution and to choose officers preparatory to being admitted to the union as a state. Such a bill was favorably reported in each house but failed to pass in either.³⁵ A convention was called at Huron on June 19, 1883. Thirty-four counties were represented and Clay County sent twelve out of the three hundred and fifty delegates. After an animated discussion it was unanimously recommended that a convention for the purpose of framing a state constitution be called at Sioux Falls on September fourth.³⁶ The convention assembled at the appointed time and after a harmonious session of fourteen days a constitution was agreed upon. Clay County was represented at the convention by four delegates, J. P. Kidder, J. R. Whitestead, J. Kembril, and E. B. Dawson. The constitution was submitted to the people on November third and was adopted by a large majority. The vote as taken was 12,306 in favor and 6,814 opposed. Altho the various political

³³ Dakota Republican, Vol. for 1884, May, June, July, August.

³⁴ Peterson, Clay County, 61, 62.

³⁵ Hagerty, F. H., "A Statistical, Historical and Political Abstract of Dakota Territory, 1889," 31, 32.

³⁶ Dakota Republican, June 28, 1883.

leaders in Clay County had always favored a division, there was a large group of conservative farmers who opposed the proposition because the cost of maintaining a state government would be thrown upon a smaller group and would result in higher taxes. The vote in Clay County was 210 in favor and 367 against which shows this rather strong opposition.³⁷ The voters of the territory now awaited the action of Congress, but nothing came of the request for admission. Another attempt was made in 1885 and again Congress refused to sanction it.³⁸

When Governor Howard took office in 1878, he appointed W. H. H. Beadle as territorial superintendent of public instruction. He held office until 1884, when G. A. Pierce was made governor. Beadle was an efficient superintendent and his work was of the highest order. He guarded the educational interests of this and every community with prosperous results.³⁹ He worked hard to abolish the district system and to establish the township plan in its place. Finally in 1882, the legislature enacted a law which provided for the adoption of the township plan.⁴⁰ Owing to prejudice against the township system, which existed in many of the more populous counties where the district plan was in operation, certain southern counties were excepted from the operation of the law until such time as the board of county commissioners should order a change. Clay County was included in that list. In April 1883, the county board voted to make the change which resulted in a more satisfactory and uniform school system. The law provided for a township board which was to have charge of the various schools or districts in each township. Provision was also made for the township to take up all district bonds and debts and to equalize all assessments for school purposes.⁴¹ A new school building was built in Vermillion during the latter part of 1882 and was dedicated January 3, 1883. It was made of red brick and cost about \$8000.00. At that time the total

³⁷ Dakota Republican, Dec. 20, 1883.

³⁸ Session Laws, 17, 98.

³⁹ W. H. H. Beadle "Dakota Schools," S. D. Hist. Coll. 3, 146-265.

⁴⁰ Session Laws 15, 246.

⁴¹ Dakota Republican April 19, 1883.

enrollment of Vermillion schools was 202. Forty-three of these were in the High School.⁴² C. C. Bridgman, Superintendent of Clay County Schools in his report of September 10, 1883, gives the following statistics.⁴³

Number of organized districts, 47.

Number of ungraded schools, 46.

Number of graded schools, 1.

Number of days taught, 118.

Number of pupils between ages of 5 and 21, 1245 males, 947 females; total, 2192.

Total enrollment, 1604.

Number of teachers, 40 males, 43 females; total 83.

Total Value of School Property, \$153,815.

Total assessed valuation of Clay County property, \$1,-106,639.

Clay County Statistics, 1886:⁴⁴

Number of organized districts, 56.

Number of school houses, 49.

Number of school houses built in 1886, 3.

School population, 2,192; Vermillion, 252.

Average monthly pay of teachers, 1, males, \$36.56; 2, females, \$36.00.

Amount expended for school purposes for year ending January 30, 1886, \$18,834.48.

Amount remaining in treasury for year ending Jan. 30, 1886, \$4282.05.

The act of the first territorial legislature in 1862, which created and located the University at Vermillion,⁴⁵ has already been mentioned. Twenty years had passed by without any move being made to start the institution; it existed only on paper, although memorials had been sent to Congress asking for aid several times between 1862 and 1875. In 1881, Congress granted seventy-two sections of public land to Dakota, for the use and support of a University when the territory should be admitted into the Union as a state.⁴⁶

⁴² Dakota Republican Jan. 4, 1883.

⁴³ Dakota Republican Oct. 4, 1883.

⁴⁴ Report of Commissioner of Immigration 1887, 350. This school report does not seem to be accurate in regard to school population.

⁴⁵ Territorial Session Laws 1, 482.

⁴⁶ Sioux City Tribune July 7, 1923.

The need of an institution of higher learning was beginning to be felt thruout the territory and there was a general demand for its organization and erection. Conditions had changed since 1862. Settlement had extended farther north and west and new towns were demanding that the location be changed to a more central point. Clay County people began to fear that unless something definite was done the University might be lost to them. On April 30, 1881, a meeting of the citizens of Vermillion was held at the office of Judge Kidder for the purpose of organizing an association to erect a building and to open the University of Dakota Territory. A board of trustees was elected at this meeting, consisting of seven members.⁴⁷ On May 9, articles of incorporation were adopted. Considerable investigation was done and an unsuccessful attempt made to get a land grant. Nothing was accomplished until February 1882, when a petition was made from each township asking for a special election upon the question of issuing bonds for \$10,000.00, the proceeds to be used in the construction of a university building. The people of the county were determined to secure the permanent and actual location of the territorial university at Vermillion.⁴⁸ On February 9, 1882, the county commissioners passed a resolution submitting the question of raising bonds to the people of Clay County.⁴⁹ The election was held March 18, and the bonds carried by a vote of 811 to 419.⁵⁰ On April 4, twenty bonds of five hundred dollars each were drawn up for ten years with interest at 5%. The bonds were sold for the net proceeds of \$9000⁵¹ and with this money the association constructed the west wing of University Hall, later called the Administration Building. It was built upon a campus of 20 acres, donated by public spirited citizens. The academic department of the University was organized October 16, 1882, and classwork started. The classes were held in the courthouse for a period of 24 weeks. Dr. Ephraim Epstein had charge of the work.⁵² The

⁴⁷ Vermillion Standard May 5, 12, 1881.

⁴⁸ Dakota Republican Feb. 2, 1882.

⁴⁹ Dakota Republican Feb. 9, 16, 1882.

⁵⁰ Dakota Republican March 23, 1882.

⁵¹ Dakota Republican May 9, 1882.

⁵² Dakota Republican Oct. 17, Nov. 2, 1882.

total enrollment the first term was 46 and 39 of these were from Clay County.⁵³ The legislature of the territory, in 1883, approved the action of Clay County citizens by accepting the free gift of the partly constructed building to the territory. It also granted an appropriation of \$50,000 to extend the building and to meet current expenses.⁵⁴ An act incorporating the University anew was also passed and the charter was approved by the governor on February 3, 1883.⁵⁵ On September 18th the University was formally opened and the classes were held for the first time on the present campus. They were held in what is now the west wing of University Hall. John Wesley Simonds was president and he was aided in the class work by professors Epstein and Culver.⁵⁶ The total enrollment in 1883 and 1884 was 75.⁵⁷ In 1884 the central part of University Hall was started and completed in 1885 and 1886. Waterworks were added and West Hall, a dormitory for men, was built.⁵⁸

In 1878, there were seven church organizations in Vermillion. They were the Congregational, Baptist, Episcopal, Methodist, Lutheran, United Brethren and the Swedish Methodists. Several of these organizations did not have buildings of their own but had their meetings at the homes of members or in rented buildings.⁵⁹ By 1886 the Congregational, Baptist, Episcopal and Methodist churches had edifices of their own.⁶⁰

After the flood of 1881, the new town of Vermillion developed rapidly and by 1882 was again a flourishing village with more business places than in 1878. The new townsite was in every way superior to the old one on the bottom. It was well planned and laid out, with stage lines connecting it with other towns of the vicinity. A steam ferry operated between Vermillion and the Nebraska shore.⁶¹ The only other town of importance in the county in 1886 was Wakonda,

⁵³ Dakota Republican Nov. 2, 1882.

⁵⁴ Territorial Session Laws 15, 369.

⁵⁵ Territorial Session Laws 15, 365.

⁵⁶ Dakota Republican Sept. 20, 1883.

⁵⁷ Dakota Republican April 10, 1884.

⁵⁸ Sioux City Tribune July 7, 1923.

⁵⁹ Dakota Republican Jan. 17, 1878.

⁶⁰ Dakota Republican April 8, 1886.

⁶¹ Dakota Republican Sept. 29, 1881. Vermillion Standard May 26, 1881.

which had a population of about 250.⁶² Some idea of the increase in the settlement and development of the county can be gained by comparing the number and location of postoffices in 1878 with those of 1886.⁶³

Post offices in Clay County 1886:⁶⁴

Vermillion

Bloomington

Lodi

Lincoln

Burbank

Alsen

Bluff Center

Glenwood

Greenfield

Meckling

Riverside

Star Corner

Wakonda

Saybrook

Bethel

Clay Point

Dalesburg

Kornstad

Marshalltown

Bolton

An excellent idea of the period, from 1879 to 1886, can be obtained from articles and editorials which appeared in the Dakota Republican from time to time. The issue for March 27, 1879, states: "The spring of 1879 has opened auspiciously for Clay County. There is a general feeling of contentment, courage and confidence which bespeaks prosperity. The grasshopper incubus has disappeared or at least has lost its terror. Never before was there that spirit of security of assured success, of the certainty of reward as now animates our people. Real estate has commenced to advance and there is a general stability of prices."⁶⁵ An

⁶² Report of the Commissioner of Immigration 1887, 350.

⁶³ For a list of the postoffices in 1878 see p. . .

⁶⁴ U. S. Official Directory, 1886, 246.

⁶⁵ Dakota Republican March 27, 1879.

editorial of April 10, 1879, says: "The outlook is indeed encouraging. Every train brings in new people. Most of them have money in their pockets and have a disposition to remain and set up in business. Business prospects for Vermillion are very bright and encouraging. There never was a better outlook for this section and the populace are cheerful accordingly."⁶⁶

A year later the following article appeared: "Every train brings in new people who are examining the country and looking about for farms or business locations."⁶⁷ October 7, 1880: "The crops are exceedingly good. A boom period has struck us fairly. Never before in the history of the county has there been such prosperity."⁶⁸ The people of Vermillion appreciated the period of good times as shown by their action after the flood in the spring of 1881. Not a businessman left and by January 12, 1882, over \$90,000 had been spent in rebuilding and improving Vermillion.⁶⁹ January 26, 1882: "There is no public land left in Clay County except perhaps an isolated piece here and there. But those intending to make their homes here can find improved farms at reasonable (and in many cases very low) figures."⁷⁰

September 8, 1882: "The prosperity of Dakota and Clay County continues. \$150,000 was spent in improving the county during the past year. The community is largely made up of farmers all more or less prosperous and many are wealthy. They all owe their prosperity to Clay County soil."⁷¹

April 10, 1884: "Clay County progress still continues. Vermillion handles more dairy products than any other town in Dakota. The county is also strong in corn, cattle, and hogs. Mixed farming pays large returns while special farming has failed."⁷²

August 7th, 1885: "There are no free lands left in Clay County but settlers do not need to stay away on that account.

⁶⁶ Dakota Republican April 10, 1879.

⁶⁷ Dakota Republican May 10, 1880.

⁶⁸ Dakota Republican Oct. 7, 1880.

⁶⁹ Dakota Republican Jan. 12, 1882.

⁷⁰ Dakota Republican Jan. 26, 1882.

⁷¹ Dakota Republican Sept. 8, 1882.

⁷² Dakota Republican April 10, May 15, 1884.

Much of the land in the county is still lying idle and can be had at reasonable prices. Land close to Vermillion sells at from \$10 to \$25 per acre, while that further away from the railroad sells for less."⁷³

During the prosperous period no land that had a free title could be bought for less than \$10 per acre, and improved land sold or was held at from \$15 to \$30 per acre. This price was justified by the crops obtained.⁷⁴ General farming methods were changed during this period and varieties of plants and grain were planted that were better suited to the soil. The ground was more carefully prepared. The custom of burning the stubble and discing in the seed, which had been scattered broadcast, had been given up. The land was plowed or double disced and planting was usually done with a drill. Rotation and diversification of crops received more attention. Mixed farming, in which stock raising formed a prominent part, gradually replaced purt or straight farming.⁷⁵ The "Herd law" making cattle owners responsible for damage done to crops whether fenced or not was passed in 1882.⁷⁶ This greatly stimulated tillage, as fencing was expensive.⁷⁷ A comparison of statistics will show the effects or results of the boom period to good advantage.

Population:⁷⁸

	1880	1882	1883	1886
Clay County	5001	5201	5500	6201
Vermillion	714			1200

Farm Statistics:⁷⁹

	1880	1885	1886	1888
	Bushels	Bushels	Bushels	Bushels
Wheat	8,335	71,787	132,468	64,558
Corn	375,837	908,743	1,705,275	874,747
Oats	50,645	360,114	680,432	358,315

⁷³ Dakota Republican August 7, 1885.

⁷⁴ Visser, 159.

⁷⁵ Visser, 115, 116-117. Dakota Republican May 15, 1884.

⁷⁶ Territorial Session Laws 14, 287.

⁷⁷ Visser, 116. Most of the fences in Clay County, prior to 1870 were of posts and boards or were constructed of rails. Wire fencing was not extensively used until 1870. It was quite expensive, costing about a dollar per rod.

⁷⁸ Hagerty, 67.

⁷⁹ Resources of Dakota (1885), 352. Hagerty, 55-66.

Barley	5,008	32,684	48,405	5,006
Buckwheat	223	437	585	525
Flax	0	0	56,331	26,140
Rye	103	7,330	11,368	1,538

Live Stock Statistics:⁸⁰

	1880	1885	1886
Horses	3,108	3,294	3,548
Mules	120	142	150
Cattle	13,955	13,483	14,182
Sheep	1,373	1,676	1,659
Swine	11,460	7,764	6,363
Valuation	\$468,549	\$884,895	

Valuation Statistics:⁸¹

	1880	1885	1886	1888
Valuation of				
town lots ..	\$504,113	\$ 790,563	\$1,238,334	
Val. of personal				
property ...	218,167*	67,508	138,001	
Total assessed				
val. of county	722,280	1,122,530	1,910,450	1,543,525
*Includes livestock				

Miscellaneous Statistics:⁸²

	1880	1885	1888
No. of farms	782	1,025	
Average size, acres ..	186	112	
Potato crop, bushels ..	44,450	46,335	31,766
Wool clip, lbs.	8,209	9,971	3,877
Milk, gallons	51,450	680,206	
Butter, lbs.	38,022	367,340	372,959
Cheese, lbs.	2,953	5,514	1,600
Value of farms	\$321,605	\$2,841,200	\$2,429,212
Value of implements			
and machinery	112,314	149,102	57,636

⁸⁰ Resources of Dakota, 351. Report of governor of Dakota (1885), 31.⁸¹ Resources of Dakota, 352. Hagerty, 93.⁸² Resources of Dakota, 352. Hagerty, 65.

During the period of prosperity the people of Clay County as a whole were in excellent financial condition. There were none who were exceedingly wealthy and the masses or general run of people were in comfortable circumstances. The wealthy of the county were evenly distributed among the whole people. It was an era of good feeling, glowing prospects, democratic simplicity, and universal prosperity. With the year 1886 the high level of the boom passed, altho it was not realized at the time. It was natural for the settler to believe that this favored land was to advance and be prosperous for an indefinite period. That is part of the optimistic spirit of the west. By reading carefully the newspapers of the time and looking back over the course of events it is easy to see that by 1886 the best days of the great boom were over. Clay County and all of Dakota was entering upon a long period of reaction which was to make times rather difficult again. While this reactionary period was not felt in Clay County as much as it was further north and west it did affect the county to a considerable extent.

There were various causes for the close of the boom, but the chief one was crop failures. During 1887 and 1888 Clay County suffered more or less in common with the rest of Dakota from drought,⁸³ which injured the small grain. During 1887 and 1888 the drought was rather local and did not affect different parts of the country with equal severity.⁸⁴ In 1888, it was severe enough in this county to have a very noticeable effect upon the crops.⁸⁵ The terrible drought of 1889 was widespread thruout the central portion of the United States and came with peculiar severity upon the settlers in Southeastern Dakota.⁸⁶ Certain other factors helped to end the boom. Clay County suffered in common with the rest of the country in the general business depression which came in 1886.⁸⁷ This was brought about by the financial crisis of 1884 which originated in Wall Street in the failure of several large banking firms. These failures

⁸³ Visher, 155.

⁸⁴ Visher, 155.

⁸⁵ See statistics for 1888, pages 100 and 101. Chapter VII.

⁸⁶ Governor's report for 1890. Ransom, F. L., "The Sunshine State," 100

⁸⁷ Visher, 155.

were not caused by general depression, but by dishonest management and unwarranted speculation. The stringency of the money market was occasioned largely through the displacement of gold by the newly coined silver and by the sinking of vast sums in western farms and railroads. The large trans-continental roads were not yet on a paying basis and the interests of agriculture were threatened by falling prices.⁸⁸ As time went on financial conditions had become less and less satisfactory and by 1886 money had become very scarce; loans were hard to secure and interest was high.⁸⁹ The period of reaction had really begun.

Bibliography

I. Source Material

"Dakota Republican Newspaper Files, 1874 to 1890."

A large part of the material for the latter chapters of my thesis was taken from these files. Considerable care and discrimination were necessary in picking out the material used.

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The first two volumes give a detailed history of Dakota Territory. Kingsbury was one of the earliest settlers at Yankton and was well acquainted in Clay County. Besides being a member of the territorial legislature for several terms, he published a newspaper and was public printer in Yankton for many years. As the history of a large portion of the early territorial period is centered more or less around Yankton and Vermillion, the author was in a position to gather a great deal of accurate and authentic material. Altho no references are given, the writer considers this a valuable work and uses considerable material from it. These volumes are classified as source material as in large part they are based on direct sources.

Robinson, Doane: "History of South Dakota," two volumes (B. F. Bowen and Co.) 1904.

⁸⁸ Coman, 314-315. Bogart, E. L., Economic History of U. S., 317.

⁸⁹ Visher, 155.

Vol. 1, "History of South Dakota."

Vol. 2, "Personal Mention of Citizens."

Robinson has been State Historian in South Dakota for many years. The author drew his material for the first volume largely from private letters and personal interviews with pioneers, fortifying their stories whenever possible with contemporaneous records. Altho he gives but few references, the material on the early period is accurate and authentic as far as the writer has been able to ascertain. His maps are excellent.

Taylor, Franklin: "Three Scrap Books."

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Have been published every two years since 1902. They contain many valuable articles and letters written by early settlers and also the papers and records of the State Historical Society.

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This address was delivered at the U. S. Centennial Exhibition in Philadelphia on September 28, 1876. It gives the history, growth, population and resources of Dakota Territory up to that date.

"Questionnaire":

I sent a questionnaire on various phases of county history to sixty early settlers. The returns were not very satisfactory. I received only fourteen replies but obtained some good material on various phases of county history.

"Personal Interviews":

I had several conferences with Thomas Jordan and J. L. Jolley, both early settlers in the county.

II. Secondary Authorities

A. Special Works.

Visher, S. S.: "Geography of South Dakota, Report of the State Geologist." 1916-1918. U. of S. D. 1918.

Contains an excellent survey of the various periods of boom and depression in South Dakota history, giving the causes and results of each.

Peterson, F. E.: "Historical Atlas of Clay County. 1901.

The brief history of Clay County, written by F. Belle Conrow, is not complete and is inaccurate on several points. It gives, however, a very good account of the early political affairs in the county. It contains excellent maps.

Peterson, E. F.: "Historical Atlas of South Dakota. Chicago, 1904.

The article on Clay County contains considerable geographical and geological information.

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The maps are good and the brief account of Clay County is of some value since it is based on contemporary sources of information.

Foster, J. S.: "History of Dakota," 1869.

Foster was an early pioneer in Dakota Territory and his early history is probably quite accurate. The pamphlet was probably written for advertising purposes to attract new settlers to this section. This detracts somewhat from its value, especially in that portion dealing with statistics.

Batchelder, G. A.: "Dakota Territory." 1870.

The author was an early settler at Yankton. Most of his material seems to have been taken from earlier pamphlets.

Armstrong, M. K.: "History and Resources of Dakota, Montana and Idaho." Yankton, 1866.

The author was secretary of the Dakota Historical Society at the time this was written. It contains some good material on early Indian troubles.

Smith, G. M. and Young, C. M.: "History and Civil Government of South Dakota." N. Y. 1898.

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B. General Works.

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Turner is an authority on the History of the West. This volume gives the history of the westward movement and its political, economic and social results.

Paxson, F. L.: "The Last American Frontier," N. Y. 1918.

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The author gives valuable information concerning the spread of New England settlement into the Middle West.

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HISTORY OF BADGER TOWNSHIP

By P. R. Crothers.

Badger Township is located in the north east corner of Kingsbury County, in eastern South Dakota, and is comprised of all of Congressional Township number 112 North, Range 53 West of the Fifth Principal Meridian and the east half of Township 112, Range 54, sections one, two and three of Township 111, Range 54 and sections four, five, and six of Township 111, Range 53, and contains an area of 60 square miles. Lake Albert, Lake Badger and Lake Thisted lie wholly within the township and the northeast corner borders on the west shore of Lake Poinsett. The soil is uniformly a deep, rich, black loam, underlaid with a porous, yellow clay. The surface is gently rolling and is fairly well drained, the drainage flowing into the lakes and they in turn emptying into the Sioux River that flows a dozen miles to the east. With the exception of some timber growing around the lakes, this was originally a prairie country, covered with luxuriant grass and for untold ages was an ideal summer range for vast herds of buffalo, elk, deer and antelope.

It can never be known who the first white men were to enter the township, but the first we have any record of were General John C. Fremont and Dr. Joseph N. Nicollet, who passed through the township and discovered and named Lake Albert in the summer of 1838. Lake Albert, or Lake Abert, as the name was given by General Fremont, was named after Colonel J. J. Abert, at that time chief of the topographical engineers. As the lake region of eastern South Dakota was for ages a favorite hunting and trapping ground for the Indians, there is little doubt that this section was visited at an early day and at frequent intervals by traveling fur traders, but they have left no record behind and not even a relic has ever been found in the township to remind us of their visits.

The township was divided into sections and quarter sections in the summer of 1873. The township boundaries were first run out and marked and later the subdivisions were made. The subdividing of Township 112, Range 53 was begun on the 26th day of July and finished on August 1st,

1873. The survey was made by Mark W. Bailey. When the corner of a section was determined, a mound was thrown up and a wooden stake, properly marked, was driven into the top of the mound. Four holes were dug on the section lines radiating from the mound and about four feet from it, each hole about 16 inches square and about ten inches deep. The quarter corners placed midway on the section lines between the section corners, were similarly marked except that only two holes were dug.

At the time the survey was made the only white man living anywhere near was a man by the name of Mortimer, living with his Indian wife in the timber of the Oakwood lakes about six miles to the east.

The first white settler in the township was Lewis Christensen, a native of Denmark, who settled on the east bank of Lake Albert, on the eastern border of the township in June, 1877. A couple of weeks later Andrew Johnson came and filed on land just north of Lewis Christensen. That same fall Carl Engval came and filed on land that bordered on Lakes Badger and Thisted. The following spring two brothers of Lewis Christensen, Mat and Peter, arrived and located a little farther south, Peter's land lying on the east bank of Lake Thisted. Lake Thisted was named by Peter Christensen after a lake near his old home in Denmark. About this same time, the spring of 1878, Jorgen Damm and Chris Johnson arrived and located south of Lake Thisted. A year later Chris Johnson, while hunting among the timber along the lake, was struck by lightning and killed. This was the first death among the settlers in the township.

Late in the fall of 1878 a party of Indians was seen trapping muskrats around the lakes. None of the settlers knew anything about Indians except the bloodcurdling stories they had heard of Indian massacres, and they were somewhat alarmed, but after a while the Indians went away never to return.

During the summers of 1878 and 1879 a few more settlers found their way into the township and filed on claims. Among them were Jonas Nelson, locating on the west bank of Lake Albert; the Stordahl family, locating at the south

end of the lake; the Palmer brothers and the Mulineaux family, locating in the south part of the township; and John Quinn, locating in the eastern part of the township. John Quinn, with his brother Tom, and Dr. W. F. Nichols, drove into what is now Badger township in the latter part of April, 1879, and, being struck with the beauty of the country among the lakes and the richness of the soil, decided to look no farther. Each of them filed on a homestead and tree claim, Dr. Nichols' choice being a half section just north of Lake Thisted. During the summer he hired a surveyor and had a townsite located on his claim, but nothing ever came of it and now even the name he gave it is forgotten. Tom Quinn stayed only through the summer, and Dr. Nichols also soon tired of pioneer life and went back east.

On June 26th, 1879, just as the Quinns had finished dinner, they saw something coming down from the hills a mile or more to the east that they at first thought was an ox, but as they stood looking, it broke into a run, and then they were sure it was a buffalo. They hastily put their horses to the wagon and Tom secured the only weapon they had, an old fashioned muzzle-loading, 44 calibre Colts Navy revolver. While they were hitching up, Peter Christensen came along with a rifle also on a hunt for the buffalo, and they all climbed into the wagon and started north to head off the buffalo. At that time they were living in a shack on the northeast bank of Lake Thisted. John Quinn had a strip of breaking on his claim a mile north that ran a half mile east and west. The buffalo struck in the south furrow of this breaking and went loping along toward the west as the hunters came up out of a swale from the south, when he turned north across the breaking. As the team struck the breaking, Tom and Peter, thinking they could make better time afoot on such rough going, jumped out, taking the guns with them. Knowing that the buffalo would soon strike Lake Albert if he continued running north and believing he would turn south and try to pass around the south point, John Quinn unhitched his horses and turning one of them loose he jumped on the other and ran west for the point of the lake. Sure enough as he came down the long hill, there

came the buffalo, a big bull, running swiftly along the shore and it became a nip and tuck race for the point. As they approached the point and every jump was bringing them nearer together, John longed for his old Navy revolver, but the bull edged by just in front of him and he did not even have a stone to throw at him. However, the spirit of the chase was in him and he continued the pursuit for more than a mile and then stopped on a high point and watched the buffalo until he disappeared over the hill on the line between sections 18 and 19, nearly a mile away. From the time the buffalo was first seen until he disappeared, he had covered a distance of more than six miles and he had made the whole distance on the run. This was the last buffalo ever seen in the township.

In July 1879, Peter and Mat Christensen started a store on the east bank of Lake Thisted in front of Peter's house. Peter tended the store and Mat ran the farm. A month or two later a postoffice was established in the store and was called Pleasant Valley. This store and postoffice continued to serve the surrounding country for a number of years until the Milwaukee railroad was built through the country, when Peter gave it up and moved to Oldham to engage in the store business there.

In the fall of 1879 the Dakota Central branch of the Chicago and Northwestern Railroad, running west from Tracy, Minnesota, was completed into Volga. Up to this time, Watertown had been the nearest railroad point. In the spring of 1880 the road was pushed on westward and about October first was completed to the Missouri River at Pierre. As soon as the road reached the points now occupied by Arlington and Lake Preston, these towns were started and the former became the trading point for the eastern portion and the latter became the trading point for the western portion of the territory now included in Badger Township. Arlington was first named Nordland. After a few years the name was changed to Denver, but the Postoffice Department refused to accept that name, so it was finally changed to Arlington. For a time the postoffice was named Nordland, the

railroad station was named Denver, and the town was named Arlington.

The spring of 1880 saw the beginning of the great migration into Dakota Territory that was to continue for the next three years until the whole of what is now South Dakota lying east of the Missouri River was covered with settlers' shacks and little towns and villages. During this summer, many new settlers came to Badger Township, taking up most of the land in the eastern half of the township and a strip along the southern edge. All of the available tree claim entries were taken, one quarter in each section.

A great many of the homesteaders were young unmarried men and the rest were young married couples, with here and there an older couple coming with their boys. Few of them had more than a few hundred dollars to start with, and some had only enough to pay the filing fees on their land. A great many built sod houses, some lived in tar paper covered shacks, and a few, a very few, had small houses that were sided and plastered. All the stables were built of sod with the roofs covered with slough hay. The fuel that was almost universally used was hay twisted into "cats". The hay growing on the sloughs in those early days grew very rank and heavy and was plentiful and cost only a little labor to gather. A few of the settlers had horse teams but most of them used oxen for their motive power. The first duty of the settler after providing his family with a shelter and his stock with a stable was to break up the sod. The sod was very tough and the plow-lay had to be kept as sharp as possible and even then it took four good oxen or horses to pull a single 14 inch plow. Four oxen would break an acre or more a day and pick their living on the prairie, while grain had to be furnished for the horses, so the oxen were the favorite team for this kind of work. The breaking season lasted from about the 20th of May until the first of July. Sod broken before or after this time would not rot and made poor producing land for several years. Very little was raised on the land the summer it was broken except a little sod corn, some potatoes and rutabagas. Some settlers raised flax on

new breaking but many others did not think it profitable in the long run.

The first three winters after the first settlement was made in the township were very fine. The winter of 1878-79 was especially nice, the only storm of the winter coming early in April, after seeding had commenced. Just a little more than six months after this April storm came the notorious October blizzard of 1880. The season had been a very favorable one and the farmers were busy gathering in their crops and getting fixed for winter. At daylight on the morning of October 15th a fine rain was falling. This soon turned to snow and a furious wind came up from the northwest, driving the snow before it until the air seemed filled with snow and a person could not see a yard away. This continued all that day and the next and until about dark of the third day, when the wind went down and the storm was over. The next day the country was buried under a pall of snow, some of the drifts being six to eight feet deep. After the blizzard there was two months of fairly good fall weather and most of the snow went off, but some of the big drifts remained until late in April the following year. Although the storm was a severe one, the temperature did not get very low and there was no loss of life in the township either among the settlers or their stock. In a little more than a week the C. & N. W. had their track shoveled out and trains running again, and everything went on as usual until just after Christmas when the next blizzard came. Others came along in their order early in January and after each storm it became harder to dig out the railroad tracks, as the snow shoveled out of the cuts only made the cuts that much deeper. About noon on January 20th, 1881, a freight train succeeded in getting as far as Volga and stopped there. This was the last train to get as far west on this road until the sixth of the following May.

During January there was a breathing spell between blizzards of several days, but during the month of February they came so close together as to be almost continuous. There was never more than one-half day of good weather between storms during the month. It would come from

the northwest for three days,—fine pellets of ice almost like a mist and driven with such terrible force that one could not face it, and after a few hours of rest it would come back from the southeast for three more days. So the weary days dragged on. There was so much snow on the ground that the valleys among the coteaus south of Lake Poinsett were filled level with the surrounding hills. There were hardships endured by the settlers in the Township, but no deaths, and there were few deaths occasioned by storms in the Territory. The reason for this was that all the storms with one exception came up in the night when people were in their homes.

Fuel was the worst problem of the settlers. Most of the timber was cut from around the lakes and after that was gone hay was the only thing left. It took two persons to get an armful of hay out of a stack, one to pull it out and the other to keep it from blowing away. Of course, the coffee mill had to be kept going, grinding wheat for bread, but there was plenty of wheat and appetites were good. Tea, coffee, sugar, kerosene and tobacco had to be gone without.

During the month of March the storms began to abate but the cold remained intense. Not a drop fell from eaves during the entire month. The first half of April passed without a sign of spring, then the wind changed into the south and the sun began to have its way with the snow. The mass of snow was so great, however, that it was the 19th of April before it really began to thaw, and by the evening of the 21st it was all gone. Every lake and slough and hollow was full of water and every water-course was a raging torrent. The Sioux River was six miles wide in places, and the writer stood on the bank south of Estelline and counted twenty homesteaders' houses standing in water. The outlet from Lake Thisted into Lake Albert was over half a mile wide and the current was so deep and swift it was impossible to ride a horse through it.

About four o'clock on the afternoon of May 6th, 1881, the first freight train since the blockade, came as far west as Volga. The train consisted of two engines and about a dozen freight cars. As they crossed the Sioux Bottoms one

engine was running about a mile ahead of the train. The only freight brought in for the people of Volga was a car-load of farm machinery, a barrel of sugar, and two barrels of whiskey.

For months the settlers had been declaring vehemently that as soon as the roads opened up so they could get out, they would leave the country. They said it never was intended for white men to live in anyway and was only fit for the Indians and buffaloes. When the warm sunny days of spring came and the grass was springing green on the prairies, instead of leaving the Territory, the railroads were literally blocked for weeks with new settlers coming in. In fact, for three weeks the roads could not bring in a single sack of flour to feed the hungry settlers, but every car was filled with immigrants' movables. Unless the old timers could buy, borrow or steal provisions from the newcomers they still had to keep the coffee mills at work.

The winter of 1880 and 1881 has always been known, and probably always will be known, as the Hard Winter. Its severity can hardly be exaggerated, yet in spite of that fact and in spite of the other fact of the settlers' being so illy prepared for such a winter, it is remarkable that there was so little actual suffering among them. The reason doubtless is that they were possessed with two of the greatest blessings that life can give, youth and health.

The flood of new settlers coming into the Territory in the spring of 1881 completed the settlement of what was to be Badger Township and the tide rolled on to the west.

The character of the population of the Township had now been definitely determined and the process of building homes, developing the land, organizing society in the shape of civil government, schools and churches had begun. The population of the Township was made up largely of Scandinavians, Germans and native Americans. In a general way, the Danes occupied the eastern and northeastern portions, surrounding Lake Albert and Lake Thisted. A few families of Swedes were in the northwestern corner, a large Norwegian settlement was in the southwestern corner and over-running into Denver, Baker and Hartland townships; about

a dozen German families occupied the west central portion and the native Americans, of English, Scotch, Irish and German descent, were in the southern and central portions.

During the first few years after the settlement had begun, the bachelor portion of the population would leave the Territory late in the fall for the pineries or their old homes in the east, many of them coming back the next spring with their brides. During this period the population had also been increasing in the natural way. The first white child born in the township was Albert Christensen, son of Mr. and Mrs. Lewis Christensen, the first white settlers. This interesting event occurred on the 15th of October, 1878. This honor should have belonged to Albert's cousin, Anna Christensen, a daughter of Mr. and Mrs. Peter Christensen, as she was born about two months earlier, but Peter had not finished building his house on his own claim and at the time Anna was born, his family was stopping with a neighbor over the line in Brookings County.

Previous to 1882 the crops grown in the township were small, as the settlers had little money to buy farm tools and the tough prairie sod had to be broken and subdued. During the period between the close of the Civil War and the settlement of the township the methods of harvesting grain in the middle west were undergoing rapid development. First came the reaper that cut the grain and threw it off in loose bundles to be bound by hand and then the harvester where two men stood on the machine and bound the grain as it was cut and elevated up to them. In the later seventies the wire binder began to come into use, but this machine was never entirely satisfactory. About 1880 the Wood Company brought out a twine binder. This was rather a crude affair but it worked, and the next year the Deering and McCormick companies came out with the Appleby binders, that soon became the standard grain binders throughout the country. These machines were rapidly adopted by our settlers and by their use the prairies of waving grass were soon changed to fields of waving grain. Wheat at that time was the staple crop and although the rich prairie soil produced bountiful crops the price received was so low that the farmers were

little better off at the end of the year than they were at the beginning. The government's calling and destroying the Greenbacks and demonetizing silver, following the period of wild speculation at the close of the Civil War, brought on the Panic of 1873 and this was followed by twenty-five years of extremely hard times. For fifteen years following the settlement of our township the price of wheat ranged from forty to fifty cents per bushel. Butter and eggs brought from five to eight cents and two and one half cents a pound was considered a fair price for fat hogs. A good cow could be bought for from eight to ten dollars. Some of the settlers who were unfortunate enough to get into debt found themselves unable to pay their interest and were closed out and left the country in disgust. The more thrifty ones kept out of debt and hung on.

The first few years following the Hard Winter were wet and all the lakes and low places were filled with water. Trapping muskrats became a favorite winter pastime. So many pelts were marketed in Arlington during these years that it came to be called the Muskrat City. As the dryer years came on in the later eighties, the shallow wells began to go dry and the settlers had to put in most of their spare time digging for water. An abundant supply of good water underlies all this region, but it is from sixty to four hundred feet below the surface and no one at that time knew it was there or how to get it.

In the fall of 1882 a school district was formed in the east end of the township, called by the County Board, District Number 7. Bonds were voted to build a school house near the south west corner of Mat Christensen's homestead. The first officers of the district were J. H. Quinn, Peter Christensen and Thomas Clelland. The first election ever held in the township was in connection with the organization of this district. The contract was let for the building of the school house and although the price paid was very much higher than afterward paid for similar buildings the contractor was not satisfied, but tried to get more money from the district. This the officers refused to pay, so the

contractor locked the door and refused to finish the building until his demands were met. This brought on a deadlock that lasted for several weeks. One morning the door of the schoolhouse was seen to be broken down. The officers, discovering this, took possession, put in a new door and a new lock and kept the key themselves. They threatened to finish up the building themselves and not pay the contractor. This brought about a settlement and the building was finished and paid for according to contract. The first school was held the summer of 1883 with Miss Clara House as teacher.

During the session of the Territorial legislature of 1883, Gen. W. H. H. Beadle secured the passage of a law that was known as the School Township System. Under this law the County Board of Kingsbury County divided the county into school townships, on May 8th, 1883, and ordered an election to be held in each township for the purpose of choosing a name for the township and electing three officers, a director, a clerk and a treasurer. The election in this township was held in Schoolhouse No. 7 on June 18th, 1883, and J. H. Quinn and A. A. Anderson and Robert Crothers were appointed judges of election. At this election the name of Richland was chosen and Peter H. Thompson was elected director. J. H. Quinn was elected clerk and E. C. Stearns was elected treasurer. The director was elected for three years, the clerk for two years, and the treasurer for one year. In 1884, the County Board changed the name of Richland to Badger. The second teacher in the township and the first to be employed under the Township system was Miss Carrie Spilde. Her contract, dated May 5, 1884, was for two months at \$25.00 per month and was signed by P. H. Thompson, director, J. H. Quinn, clerk, and Robert Crothers, treasurer.

Up to the fall of 1883 the township had never had any part in running the county or Territory, but at this time the County Board designated the territory included in the School township as an election precinct and John Weidenkopf's home as the polling place for the general election held November 6th of that year. It was also ordered that the township should vote on the question as to whether it favored the organization of a township government. As the vote for

township government was favorable, an election was called for March 4th, 1884, to elect township officers and to vote money for carrying on the township. The election was held in the schoolhouse and the following officers were elected: supervisors, Thomas Clelland, chairman, H. J. Webb and Andrew R. Nelson; clerk, Peter Christensen; treasurer, A. A. Anderson; assessor, Hiram Perkins. As the people were new to this kind of work, they forgot to raise money for expenses, so another meeting was called for June 7th at the home of Andy Waite, on the northeast corner of section 29, T. 112, R. 53. At this meeting, \$200.00 was voted for the general fund and \$200.00 for the road fund. The latter amount was for planks for bridges and was in addition to a tax of ten mills on the dollar that was to be worked out on the roads.

In 1883, a petition was circulated, calling for an election for the purpose of voting bonds to build a schoolhouse in the southwest part of the township. As the amount of the bonds asked for seemed to be more than needed for the purpose, the bonds were voted down. Another election was soon called for the same purpose, and asking for the same amount and was again voted down. For the third time an election was called and the county superintendent of schools, Mr. George A. Williams, was asked to be present and use his influence to persuade the voters to support the schoolhouse proposition. The bonds were again voted down, but it did not take Mr. Williams long to find out what the trouble was and at his suggestion another election was called to vote a like amount of bonds to build two schoolhouses, one in the southwest corner and one in the southern part of the township. This time the bonds carried and the schoolhouses were built. The following year two more schoolhouses were built, one in the northern part and one in the northwestern corner. Some years later two other schoolhouses were built, one in the western part and the other near the center.

In the month of March during one of these early years, the body of a young man was found near the bank of Lake Albert with a bullet hole in his forehead. There had been a light fall of snow a short time before and part of it had

melted, but enough remained to show that a wagon had turned off the road to the spot where the body lay and had turned and gone back to the road. The body was taken to Arlington and identified as a young man living near Lake Preston with his mother and step-father. It was shown at the inquest that he and the step-father had quarrelled a few days before and the young man had been driven off by the step-father and ordered not to return. Not finding any work that day he had returned to his mother's home that evening and that night had disappeared. No attempt was ever made to bring the guilty parties to justice, the only excuse offered was that it would cause the county a lot of expense. A short time afterward the family left and went to Chicago, where, a couple of years later, the step-father killed his wife and then committed suicide.

When the prairies were first settled, they were covered with the bones of buffaloes. Sometimes whole skeletons could be found. In the spring after the Hard Winter many fresh bones and pieces of torn fur of the antelope could be found where the wolves had run them down and killed them in the deep snow. At this time the buffalo, elk, deer and antelope had disappeared never to return and the only wild animals of the larger sort that were left were the grey wolf, the badger, the jackrabbit, the skunk, and once in a while a red fox. Around the lakes and ponds there were a few minks and many muskrats.

Of the smaller animals there were a few weasels and the prairies were alive with the striped gophers and ground squirrels. There were very few snakes and they were of the small striped variety. Prairie chickens were very abundant and during the fall and spring the lakes would fairly swarm with wild ducks and geese. As the prairies were broken up the buffalo bones and skulls soon disappeared.

In the winter of 1883-84 a vast number of the grey arctic owls came down from the north and stayed through the winter. A few of these owls were nearly pure white, but most of them were mottled with brown tipped feathers. One of them that was caught in a trap measured five feet four inches from tip to tip across the wings. Previous to this

winter they had been seen here only rarely. When spring came in 1884 the owls disappeared and only occasionally has one been seen here since. What drove them down from their northern home is not known. That winter in the Territory was very mild. During these first years song birds were very scarce on the prairies, the meadow lark being about the only one. The other birds most common were the plover, killdeer, with swarms of blackbirds around the lakes and a few crows and buzzards. As groves of trees began to appear and watering troughs were established many other varieties common to the more eastern states came to make their homes with us. The plover was soon killed off by pot hunters and are now extinct.

The first religious services ever held in the township were in the home of Peter R. Nelson in the southwestern part of the township in the summer of 1881. The services were conducted in the Norwegian language by Rev. Jacobson, a preacher of the Lutheran church. A little later, Rev. Henderly located in the township and another congregation was organized, but the two soon united and a church was built just across the line in Baker township. This church has been from the earliest days a power for good in the community.

In 1889 a German Lutheran Church was organized and a church building erected in the western part of the township. This church was rebuilt in 1914.

The first religious services in the English language were held in what was known as the Barstow Schoolhouse in the summer of 1886. The meetings were conducted by a man named Herring. He was not an ordained minister, but was a member of the Wesleyan Methodist church. He continued his ministry for about two years without any organization being made. The most of the English speaking settlers of the township came from non-church going families and were not much interested in religion. Mr. Herring's work was as a volunteer missionary, and while he saw little results from his work he at least aroused an interest in church matters and after he had gone, Rev. Geo. W. Crater, a Congregational preacher, was secured to take his place. Rev. Crater began his work in the township on July first

1888 and on August 26th, 1888, he succeeded in organizing the Badger Congregational Church with a membership of ten. In 1889 a new school house was built near the center of the township and the church services were held in it thereafter. In the winter of 1890 a series of meetings were held by Rev. Crater that resulted in the conversion of a large number of the settlers and about thirty new members were added to the church. In 1902 a church building was erected about one half mile west of the present site of the village of Badger. This building was afterward moved into the village and very much enlarged.

In 1889 a Danish Lutheran Church was organized and the following year forty acres of land was bought near the northern part of the township and a small church and parsonage were erected. The first pastor of this church was Rev. K. Knutsen. A few years later a small building was built in the eastern part of the township to accommodate the members living in that part of the township. In 1909 a fine large church building was erected across the road from the old one and a few years later the parsonage was rebuilt and enlarged. This church has always been a strong organization and well supported.

At the beginning of the present century a new sect appeared in the eastern part of the township, mostly among the Danes, that called themselves God's People. A church building was soon erected on the eastern border of the township and soon after a split occurred and another building was erected near the first one. Some years afterward the church was re-united and the two old buildings were torn down and a fine new building put up in their place.

It has been mentioned that as the dry years came on in the later eighties the shallow wells of the settlers began to go dry and the problem of finding water for livestock became of utmost importance. Believing that plenty of water was to be found deeper down in the earth, P. R. Crothers employed a man to drill a deep well on his place in the fall of 1888. A depth of 250 feet was reached without finding water when cold weather came on and the work had to be stopped for the winter. The next spring another man undertook the job

and after six weeks' work got a hole down over 700 feet, but the men were inexperienced and no water was found. This ended the work for a time. About two years later John Weidenkopf employed an experienced well driller and got a good well at about 140 feet. This was the first deep well in the township and soon solved the water problem.

About 1888 the town of Hetland was started on the C. & N. W. Ry. about midway between Arlington and Lake Preston and this brought a market town several miles nearer to many of the farmers in the township.

The hard times caused by the low prices of farm products had caused a great deal of unrest among the people. The laboring people were trying to solve their problem by the formation of Unions and the farmers were also trying out farm organizations. In the middle northwest the Farmers Alliance had become quite strong and in the summer of 1889 a local organization was formed in the township, with J. H. Quinn as president, P. R. Crothers as secretary, and A. E. Hubbard as treasurer. Meetings were held once a month or oftener and many weighty matters were discussed. Many things that have happened in later years can be traced to the influence of this organization.

In the summer of 1880 owing to the late spring, the crops were rather poor, but for the ten years following the crops were very good. In the summer of 1891 the rainfall was rather limited, but the rains came at just the right times and the result was one of the best grain crops that has ever been harvested in the township. The year 1891 is still known as the year of the big crop. The price of wheat during the fall and early winter averaged around 75 cents per bushel at the local markets, and this was a big price compared to what had prevailed for the previous ten years.

The big crop with the good price gave the settlers their first real boost on the road to prosperity. The summer of 1894 was very dry, no rain falling from the 2nd of May to the 24th of June. Oats and barley were almost a failure and wheat averaged from four to six bushels per acre. This came the nearest to a crop failure ever experienced in the township.

During the week from June 19th to 24th, when the crops were burning up and everything looked the darkest, the local Alliance put on what would now be called a chautauqua, in the grove of natural timber between Lake Badger and Lake Thisted. Two speakers from Michigan, one from Kansas and one from Minnesota and several from our own state were present during the week, three bands were present at different times during the week, and the Three Graces, a famous trio of singers from Madison, S. D., were present during the whole week and were the most popular of entertainers. There was no charge made either to the grounds or entertainments and people came by the hundreds, most of them in lumber wagons, some of them for thirty or forty miles. Saturday afternoon with a rain storm coming up from the west, the meetings closed with a song by the Three Graces. Before singing, one of them announced that that was to be the last time they would ever sing together in public, as one of them was about to leave the state. Then they sang:

“We will all meet again in that morning land,
Where life's shadows will come no more.”

In 1890 in the month of June the State Alliance in session at Huron issued a call for a convention to meet in Huron the following month for the purpose of organizing a new party. The local Alliance sent delegates to both of these meetings and thus took part in the first movement that resulted in the organization of what was afterward known as the Populist Party. During the years this party was in existence nine-tenths of the voters of the township voted the Populist ticket.

Following the Hard Winter of 1880-81, the winters were quite mild for several years until the winter of 1887-88. By January of 1888 a heavy fall of snow lay on the ground. On the 11th of January the wind blew hard all day from the south and by night the weather had moderated very much. The morning of the 12th the sun rose clear and the air had a balmy feel like spring. The wind blew intermittently, dying down to a dead calm for ten or fifteen minutes, followed by violent gusts from the south for a few minutes. This condition continued all the forenoon and just at noon, without

any warning whatever, a terrific blizzard struck out of the northwest and continued all that afternoon and most of the night. This was the most destructive blizzard that has ever struck the state. A few people and considerable stock lost their lives in the storm. The reason for the unusual destructiveness of this storm was that it came up so suddenly in the middle of a nice warm day. There was no loss of life in the township either of people or stock, although a few persons were caught out by the storm.

The first livestock brought into the township were scrubs and no attempt was made to introduce any improved blood until 1889 when a registered Shorthorn bull was brought in by P. R. Crothers. This animal was of excellent type and prepotent in breeding, and his offspring were so superior to their scrub dams that the people became at once converted to the idea of improved livestock and the township has since been noted for its splendid cattle, hogs and poultry.

In the summer of 1891 a man by the name of Holcomb from DeSmet brought his steam threshing rig into the township and began operating. Near the latter part of the threshing season Mr. Holcomb found some business matter required his absence from the rig for a day or two and his brother offered to take his place on the rig. The brother was a stranger in the country, having come from the east a few days before with his bride of a week on their wedding trip. The steam engine was not in very good repair at the time as the steam gauge was out of commission and it was suspected that the safety valve was not working as it should. However, Mr. Holcomb seemed to understand its weaknesses and managed to keep it running. In his absence, it was decided that the separator man was more familiar with the engine and should take charge of it, and the brother was to operate the separator. A setting of grain was threshed out on the U. E. Reeves place and the rig was moved about a mile and had just turned off the road toward a setting of grain on the August Larson place when both ends of the boiler blew out. A team and wagon with a half dozen men in it was standing beside the grain stacks nearly 100 yards

away and the front end of the boiler landed just in front of the team and buried itself in the ground there. The engineer stood directly behind the boiler and he was blown over the top of the separator and landed in an adjoining field more than 200 feet away. He was alive when picked up, but died a few hours later. At the time of the explosion, Mr. Holcomb's brother was walking beside the separator and was struck on the head by a piece of the boiler and instantly killed..

On Thanksgiving Day 1896 a heavy fall of soft snow pellets fell and froze into a solid mass, making the best sleighing ever known in this country. A heavily loaded sleigh could be driven anywhere over the prairies, leaving scarcely a track. This condition continued until after Christmas, when a rain fell and spoiled the sleighing. This was followed by a heavy fall of snow through January and February, but the weather was not otherwise severe.

At the close of the nineteenth century, the prices of farm products had begun to improve and in consequence a small measure of prosperity began to come to the farmers. The old sod shanties and tar-paper covered shacks had disappeared and comfortable houses and barns had taken their places. The trees that nearly every settler had planted around his buildings in the early days had become real shelter belts, very much improving the looks of the country.

In 1898 the farmers of Badger and Denver townships united in building a Co-operative Elevator in Hetland and this helped to increase the price for their products and to add to their prosperity. At the present time (1925) this elevator is still running under the same management and is the oldest Co-operative elevator in the state.

In 1901 a country store had been started in the northern part of the township by James Johnson and a little later a postoffice was added, called Denmark. This was supplied by a star route mail service from Hetland, three times each week.

The early years of the twentieth century brought in many changes that greatly affected the conditions of life on the farm. The first of these to reach Badger Township

was the telephone. In 1902 Mr. C. C. Maxwell, an Arlington druggist, had built a small exchange in Arlington and then ran a farm line out north on the county line and extending into the eastern part of the township. About the same time, a small company of Hetland men were building an exchange in Hetland and they ran a line out through the center of the township as far as the Denmark store. A switch was installed at the home of John Weidenkopf between the two lines so service could be had on both lines by any patron. In the following years other lines were built until the whole township was covered with a network of wires. The automobile, another improvement that tended to annihilate space and destroy the isolation of the farm, began to invade the township about 1910, and soon every farmer had his car. The first farm electric lighting plants were installed in 1916 and local water pressure systems began to be introduced at about the same time. In 1922 the first radios were brought in.

The great handicap under which the farmers of this township labored for many years was the long haul to market. No railroad entered the township or even approached it nearer than several miles. In 1906 the South Dakota Central, a Sioux Falls organization, had built a road from Sioux Falls to a point about 25 miles south and east of the township and was headed for Watertown. A direct line to their destination would take the road through the western edge of Brookings County and between Lake Albert and Lake Poinsett. This route would take the road lengthwise of a range of hills called the Coteaus. Many believed a better route lay west of the Coteaus through Arlington and passing through the township of Badger near its center. John Weidenkopf, one of the enterprising citizens of the township, went to see the officials of the road several times to induce them to take the latter route and was finally asked how much bonus would be given. To be able to answer that question, he called a meeting and \$5,000.00 was pledged in one afternoon. A new survey was made and the road located on the new route and in the spring of 1907 the grading contracts were let into Watertown and the work began. During the summer a townsite was located on the section line between the Weid-

enkopf and Marquardt farms. In deeding the land to the company, Mr. Weidenkopf retained a site on the sidetrack for an elevator. An elevator of 35,000 bushels capacity was built on the site late in the fall of 1907, and was finished about ten days before the road was opened. In just a week after the elevator was opened it was filled to its capacity, mostly with barley. As no grain could be shipped until the road was opened, the elevator had to close. Just at this time the bankers' panic occurred and barley dropped from around a dollar a bushel to about half that price and it looked for a while as if Mr. Weidenkopf would be a heavy loser, but before the grain could be shipped out the people had recovered from their scare and the price of grain had gone back nearly to its old level.

The new town was named Badger and is located nearly in the center of the township and soon became a thriving village and became the market place for the whole township and quite a strip of territory in Brookings County. Three elevators, a lumber yard and stock yards were located on the right of way. The town also contains a bank, two general stores, a hardware store, a drug store, a barber shop, three cream stations, a restaurant, a garage, a telephone and post office, a blacksmith shop, and a livery and dray barn. The town also has a school, a church, a depot and two halls. One of the elevators burned in 1923 and has not been rebuilt. A Farmers Co-operative Company owns one of the other elevators, the lumber yard and also has a stock shipping department.

About 1910 marks the beginning of a new era in the methods of farming. Up to this time grain raising was the main business and stock raising was a side line of only moderate importance. Black rust in the wheat and the prevalence of weed pests in the grain fields began to make grain farming unprofitable. More attention began to be given to the raising of corn and potatoes and the farmers began to experiment with clover and alfalfa. Hog raising soon became one of the most important industries. In the fall of 1910 the first herd of registered dairy cattle was started in the township. These cattle were of the Holstein-Friesian breed.

During that same fall a state organization of Holstein breeders was started with the secretary's office located in the township. During recent years, dairying has claimed more and more of the attention of the farmers, until at the present time it is one of the important industries. The first silo was erected in 1913 and the first cow testing association was organized in 1923.

In 1910 began the worst drouth that has ever affected this part of the state. Beginning about the first of June, very little rain fell for more than a year. The drouth did not affect the crop of 1910 very much and a fairly good crop was harvested that year, but in 1911 many fields were never harvested.

During the World War the township "went over the top" in furnishing men for the army, in the purchase of Liberty bonds, and in raising funds for the Red Cross and the Y. M. C. A. Two of her native sons made the supreme sacrifice in France. Jens Nielson was killed in battle and Neil Nelson died of wounds. The former was a son of Chris Nielson and the latter was a son of Jonas Nelson, both pioneer settlers of the township. Another native born son of the township was severely wounded in battle, Ed Larsen, son of Paul Larsen, another pioneer settler.

The big prices paid for farm products during the closing years of the war and for a couple of years after, caused a boom in land values and a period of wild speculation that had its center in Iowa and spread into the nearby states. The boom reached its high point in South Dakota in the summer of 1919 and as high as \$250.00 per acre was offered for improved farms in the township during that summer. Very little land changed hands in the township during the boom and in consequence very few failures followed the collapse of the boom, although "times were hard" for the next few years.

There used to be an old saying that a country had to have about three classes of settlers before they became permanent. The first settlers soon drifted on to the west and were soon followed by their successors and it took the third class to really settle down and stick. This can not be said

of Badger township. The first settlers were stayers. If there was a drifter among them he was generally bought out by one of his neighbors. It is safe to say that a very large per cent of the land at the present time is either owned by one of the pioneer settlers or his descendants. The people as a rule have been industrious and thrifty, the soil is rich and the rainfall is usually abundant and it is doubtful if there is anywhere in the state a more prosperous community.

So far as known there has never been a crime committed in the township and no citizen of the township has ever been convicted of crime.

It is now almost half a century since the founding of homes first began in the township and the old pioneers are fast passing away, but they are leaving to their descendants a heritage rich in honor and achievement, to say nothing of the more material forms of wealth that are visible on every hand.

EARLY HISTORY OF THE UNIVERSITY OF SOUTH DAKOTA

The First Quarter Century 1862-87

FOREWORD

The aim of this account is to give practically everything which has been preserved relative to the development of the University of South Dakota from its legal location in 1862 to the opening of the administration of President Olson in 1887. Since the different strands of interest are so fragmentary, it is deemed wise to offer a chronological account of the institution in general, rather than to cut up the treatment into an attempt at topical arrangement.

The story is necessarily scrappy and incomplete in some very important details. The memory of those who were grown at the time under consideration and who are still living, is uncertain, or disordered as to sequence of events. The testimony of early students of the University, still in the prime of life and mental vigor today, is defective in that it represents the impressions of the immature, who sometimes did not catch the deeper significance of affairs and who were not always interested in the things for which the adult mind looks.

The effort of this study is to compare all differences of record, to harmonize them where possible, and to discover the balance of reasonable inference and testimony where harmony is impossible. Events of the period described are so far removed that all who are now consulted speak with little bias, whatever may have been their position forty years ago.

The writer has had the willing cooperation of everyone. He has had access to the files of the Dakota Republican, which are almost complete since the flood of 1881. John L. Jolley of the first Board of Trustees, and C. E. Prentis of the first Board of Directors have been interviewed. Students from the first or second year of operation have been found very interesting and serviceable. Among them are W. J. Simons, F. Belle Conrow, W. H. Beede, and Charles Runyan, all of Vermillion.

Material which might be helpful if longer procurable is the journals of the territorial sessions of the legislature, and the records and reports of the early boards of administration. The latter if preserved are probably at Bismarck. The very full reports of the legislatures published in the Dakota Republican almost serve as a journal of the houses so far as University matters go.

Specific citation of authorities occurs on all points except those large quantities of information which the reader will readily infer are drawn from current University catalogues and announcements. Other material will be found to be based upon contiguous citation.

CHAPTER I.

Preliminary Legislation and Agitation, 1862-82.

In a legal sense the first step was taken toward the establishment of the University of South Dakota when Lyman Burgess of Vermillion¹ introduced a bill into the first session of the legislative assembly of Dakota Territory at Yankton in 1862, to locate the "University of Dakota" on Lot 4, Section 24, Township 92, north of Range 52 west of the Fifth Principal Meridian, in the "town of Vermillion".² The last expression was doubtless added to give the people generally an idea of the location, for it was technically unnecessary. A "lot" was the designation given any quarter section of land made incomplete by the inroads of the river. It is not to be understood at all that the University was to be situated on a town or city "lot" in the ordinary acceptance of that term, for there was no incorporated town at Vermillion until about fifteen years afterward. The institution, however, would by this statute have been placed somewhere on the Missouri bottom, where the early settlers of Vermillion had constructed their homes. This law was signed by Governor Jayne on April 21, 1862, a few days after the act had been approved locating the capital of the Territory at Yankton. All accounts of the legislative session indicate that con-

¹ South Dakota Alumni Quarterly, IX: 23.

² Laws of 1862. Chapter 88.

siderable jockeying occurred over the selection of a capital, with Vermillion as an active contender, but that after the seat of government had been chosen the University was awarded to Vermillion without opposition. No foundation can be discovered for the common statement of later years that Sioux Falls once had its choice of the University or the penitentiary, and chose the latter.

When the next session of the assembly convened in December, 1862, provision was made for the government of the "University of Dakota".³ A board of eighteen regents was named by the law. The original appointees were divided into three equal classes, holding office for two, four, and six years respectively; their successors were to be chosen for a term of six years in all cases by a joint convention of the two houses of the legislature. The regents were authorized to "procure a suitable site", and to proceed to erect a plant as fast as funds became available. The general management of the institution was vested in them to a very great degree, as to appointment and removal of officers and teachers, fixing of tuition, adoption of courses of instruction, and granting of degrees. The salaries of all employees presented an exception, for they must all be submitted to the legislature for approval or veto,—a clause which from an administrative standpoint was quite ridiculous. Tuition for residents of Dakota was to be abolished as soon as finances permitted. No religious test for admission as a student, or engagement as a professor or other employee was possible under the law and sectarian instruction was prohibited. Five types of instruction were to be offered: (1) science, literature and art, (2) law, (3) medicine, (4) training in the "theory and practice of elementary instruction", and (5) agriculture. The regents were directed to open a preparatory department, to be discontinued when they deemed proper. This last provision was necessitated by the paucity of facilities for secondary training at that day, the obligation to prepare teachers being felt to extend, as we have just seen, only to "elementary instruction". No appropriation whatever was made by the assembly for the University at this time, but one section

³ Laws of 1862-63, Chapter 42.

of the act set into a perpetual fund all moneys which might accrue from lands granted for the University by the national government.

At this same session the legislature memorialized Congress to place at the disposal of the University a half section of land in each township.⁴ This request might have been actuated by any or all of three facts. First, Section 14 of the federal Act of March 2, 1861, creating the Territory of Dakota had reserved sections 16 and 36 of each township "for the purpose of being applied to schools in the states hereafter to be erected out of the same." Such legislation did not make clear the kind of schools to be endowed, though it had been the custom of older states to apply the proceeds to common schools. Second, it is possible that the legislators were thinking of the policy of the federal government followed generally from the admission of Ohio in 1802, of allotting to each state a township or two for the benefit of a higher institution. Congress had already promised a definite amount to the Territories of Washington, New Mexico, and Utah, for university purposes. Third, it is also probable that the legislators knew of the Morrill Act, approved by President Lincoln on July 2, 1862, granting a large amount of land to the states for the primary purpose of developing in each a college of agriculture and mechanic arts.

During the third legislative session, that of 1863-64, this memorial was repeated in substance, but the request was modified to one of twenty thousand acres for endowment, and five thousand acres for the erection of buildings "at the town of Vermillion".⁵ The legislature of 1865-66 again presented a memorial to Congress, changing the argument slightly, and asking that the provisions of the Morrill Act be extended to the territories as well as to the states.⁶ The rapid settlement of the Territory by "an enterprising, intelligent, and industrious class of immigrants" was cited as evi-

⁴Laws of 1862-63, Chapter 72. This was the first memorial addressed by the legislature to Congress on the subject. Kingsbury in his *History of Dakota Territory* (I: 208) erroneously speaks of a bill passed by the first legislative session, "locating the territorial university at Vermillion and the territorial penitentiary at Bon Homme, together with memorials praying Congress for a grant of lands for both institutions."

⁵Memorial approved January 13, 1864. Laws of 1863-64, Chapter 51.

⁶Laws of 1865-66, Chapter 54.

dence that the solicited bounty of Congress would not go amiss.

After a pause of nine years the legislature again adopted a memorial to Congress in general terms, representing that elementary education had been successfully established in the Territory, but that the day of statehood and accompanying federal aid still seemed too far distant.⁷ The memorial mentioned that "its [the University's] location has been amicably fixed upon" so the original legislation of a dozen years before still was definitely in mind. These repeated importunities were accompanied by no definite measures toward the actual opening of the institution. In fact, there is no evidence that any of the successors of the original eighteen regents were appointed in all these years. The Revised Codes of 1877 make no mention of either University or regents. The whole matter seems almost to have fallen into oblivion.

In 1881, finally, a series of important events transpired in rapid succession. The first of these was the congressional Act of February 18, which granted to Dakota Territory and each of four other western territories seventy-two sections of unappropriated public lands, "to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior * * * for the use and support of a university in each of said Territories when they shall be admitted as States."⁸ A minimum price of \$2.50 per acre was set on this land. This guaranteed in time an endowment of much over \$100,000, a handsome sum in the new western country, and certain soon to attract the attention of other enterprising towns unless steps were taken to secure the University for Vermillion in a surer way than directed by a statute twenty years old and subject to change at the whim of any legislature. Granville G. Bennett, one of the early jurists of the Territory, and elected delegate to Congress in 1878, is credited by General Beadle with responsibility for securing the passage of the land endowment act.⁹

⁷ Laws of 1874-75, Memorial No. 14.

⁸ House of Representatives, 47th Cong., 2d sess., Misc. Document 45, Part 4, p. 1250.

⁹ South Dakota Historical Collections III: 122. In his unpublished History of the University of South Dakota, Dow states that Jefferson P. Kidder steered this bill through Congress while "Delegate for Dakota" (p. 38). Kidder's term as delegate had expired in 1879, but it does seem likely that his activity in Washington continued. See Vermillion Standard, March 10, 1881.

A second event was the legislative act of February 21, 1881, locating an "Agricultural College for the Territory of Dakota" at Brookings.¹⁰ Wide-awake citizens knew that the university and the agricultural college had been combined into a single institution in such states as Ohio, Illinois, Missouri, Nebraska, and Minnesota, and it is a fair assumption that they suspected the same might come to pass in Dakota. In the House and Council of the legislature at this very time sat two Vermillion citizens, D. M. Inman and John L. Jolley. Their alarm may well have been heightened by the zeal of the legislature in establishing five normal schools at the same session.¹¹

The third event was the flood of 1881, which practically wiped out the little town of Vermillion on March 26 and 27, and decided the residents to reconstruct their settlement on top of the river bluffs to the north of the earlier town site. In their conception of a larger and better Vermillion the old dream of the "University of Dakota" was not forgotten. Just before the great thaw of that month had sent the Missouri on a rampage, one reads a prophetic news item in the Vermillion Standard of March 10, 1881:

Judge Kidder has written a letter home stating that Congress has appropriated \$35,000¹² for the State University, located at Vermillion. Now the people should get together and resolve to move the business part of the town on the bluffs, then the future of Vermillion would be assured.

On April 30, 1881, a meeting of Vermillion citizens was held to form an association for the erection of a building in which to open the University, and for the conduct of the same thereafter.¹³ Jefferson P. Kidder was selected as chairman, and John L. Jolley as secretary. Kidder and Jolley were both lawyers by profession, as well as thoroughly familiar with the political situation, and hence admirably adapted to steering the enterprise through its early stages. The plan of government decided on was a board of trustees, con-

¹⁰ Session Laws of 1881, Chapter 3.

¹¹ *Ibid.*, Chapter 98-102.

¹² The amount mentioned represents an error on the part of someone.

¹³ Volante, I: 4.

sisting of seven members of the association. The trustees elected under this agreement were Jefferson P. Kidder, John L. Jolley, F. N. Burdick, and D. M. Inman, all of Vermillion; Bartlett Tripp, a well-known jurist, of Yankton; R. F. Pettigrew, delegate-elect to Congress and subsequently United States Senator, of Sioux Falls; and John R. Wilson, of Deadwood. The minutes of the meeting, as quoted by Professor Dow, state that "A number of the citizens of the Territory of Dakota met in the office of J. P. Kidder."¹⁴ It is asserted by Mr. Jolley that none of the trustees residing outside of Vermillion were present at the meeting or had anything to do with the proceeding, and that their names were used by the moving spirits merely to give the affair some appearance of a general movement.¹⁵ As a matter of fact, Mr. Jolley at the time of this writing is unable to recall that any persons were present other than the four Vermillion citizens named as trustees. In all accounts that the writer has been able to find of the meeting, only one other Vermillion citizen, M. J. Lewis, is mentioned as present, and that account states incorrectly that all seven of the trustees were in attendance.¹⁶ Examination of the files of the Dakota Republican of that time shows that Burdick, its editor, and a physician, was closely associated politically with Kidder and Jolley. Inman was a banker. Kidder, Jolley, Burdick, and Pettigrew were Republicans; the other three were Democrats.

At the little meeting on April 30, Kidder was appointed a committee of one to draw up articles of incorporation, agreeable to the laws of the Territory, and to report on May 9.¹⁷ This report was adopted on the latter date, and the four principal instigators, acting as a majority of the board of trustees, proceeded to file their articles of incorporation with the Secretary of the Territory on May 19, thus creating a living "University of Dakota."¹⁸ The certificate was issued to the corporation on May 21, and on May 25 the Board met,

¹⁴ Dow, p. 35. These minutes are said by Dow to be preserved in the office of the Secretary of the University, but they can not now be located, and are thought not to have been there since Secretary Julian took charge in 1913.

¹⁵ Personal statement to the writer, September 26, 1925. See also Dow, p. 36.

¹⁶ Account of E. T. Cressey, copied by Dakota Republican, June 18, 1885.

¹⁷ Dow, p. 36.

¹⁸ Volante, I: 4.

elected officers, and adopted regulations for procedure. Officers for the first year were as follows:¹⁹

Jefferson P. Kidder—President

John L. Jolley—Secretary

D. M. Inman—Treasurer

F. N. Burdick—Librarian

The next problem was to secure funds for building and operation. These would in time come from the land endowment given by Congress, and the tide of immigration just then was so rapid that it was deemed essential to take up the selection and patenting of those lands at the earliest possible moment. We shall therefore trace briefly the history of this effort, before returning to local developments at Vermillion. In his Memoirs General Beadle records that on the first day he 'looked upon the soil of Dakota in late April, 1869, he resolved that the shameful story of waste of federal land grants in aid of education, as it had come to his attention in Michigan, Illinois, and Wisconsin, should not be told of Dakota'.²⁰ His appointment to the office of Surveyor-General for 1869-73 served to keep this issue foremost in his mind.

General Beadle who now (1881) had become Superintendent of Public Instruction, quickly set about the selection of land for the University, but states that he made no progress so long as he continued to work through Delegate Pettigrew, who seems not to have been very successful in his dealings with the Department of the Interior.²¹ The rapid immigration meant that many lands were taken up by homesteaders almost as soon as they were surveyed. In 1870 the Territory was almost empty, the Census showing only 14,181. In 1880 the rush had set in, and the report enumerated 135,177. In 1890, after admission, the enumeration was 182,719 for North Dakota, and 328,808 for South Dakota. In the delay in getting action from Washington the first selection was all lost in favor of private individuals. Beadle then requested that he be permitted to select in large tracts such as entire townships, but this was refused.²² After a second similar experi-

¹⁹ Vermillion Standard, May 26, 1881.

²⁰ South Dakota Historical Collection, III: 197.

²¹ South Dakota Historical Collections, III: 122.

²² Dow, p. 41.

ence in loss of selected lands through delay, he obtained appointment as "special agent of the interior department, without compensation or pay of expenses", but in the meantime the University had lost valuable tracts in Hand, Brown, Spink, and Beadle Counties.²¹ His appointment dated from March 1, 1882, but in November following, so great had been his difficulties, he wrote Trustee Kidder that "Not a single acre is selected within my knowledge."²³ Nevertheless, by selecting desirable lands while the survey was in process of being made, and timing his communication making selections so that it arrived at the Land Office by the same mail as the survey, he succeeded during that fall and the following winter in putting through sixty-eight and a half sections.²⁴ Progress in making the remainder of the reservations was slow, and ran over into the period of statehood.

The other important event relative to University lands during territorial days is the fact that by the Act of February 22, 1889, enabling South Dakota to form a state government and be admitted into the Union, Congress confirmed the donation of seventy-two sections for a University made eight years before, but raised the selling price to a minimum of \$10 per acre, in harmony with the minimum set for the sale of lands granted to common schools.²⁵ The enabling act also allowed the University forty thousand additional acres without restriction as to selling price.²⁶ However, the Constitution when adopted later in the same year provided that the \$10 minimum price should extend to all of the 86,080 acres of University land, and that only the income might be expended.²⁷ The University received no income whatever from its land endowment during the territorial period.

To return now to Vermillion, the legislature would not again be in session for nearly two years; hence the only possible source of revenue to engage the attention of the Trustees was a local one. Though no official steps were taken, items in Dr. Burdick's newspaper²⁸ toward fall indicate in

²³ Dow, p. 40-41.

²⁴ Dow, p. 41-42.

²⁵ Enabling Act, Section 14.

²⁶ Enabling Act, Section 17.

²⁷ Enabling Act, Article VIII, Sections 7-8.

²⁸ Dakota Republican.

the light of succeeding developments that propaganda was intended. These items appeared as news, not as editorials, perhaps to render them the less directly suggestive. The issue of September 8, 1881, prophesied of the University that "This institution will be the most important one in the new State of Dakota". Then after expressing a fear that the next legislature might locate the University elsewhere, the writer continues with utter indefiniteness, "There is a way for us to keep its location in this county and make that location permanent. Shall we do it or shall we not?" Two weeks later one reads again:

The fact that articles of incorporation of a Board of Trustees of the State University located at Vermillion, have been filed gives rise to considerable comment in other sections of the Territory. The University is located in this county, and, we think, the county will see that it stays here.

In this one notes the definite suggestion of the responsibility of the "county".

On December 6, 1881, two meetings were held in Vermillion.²⁹ The first was doubtless a small one, in which legal points were threshed out in Judge Kidder's office. The second one was a larger one of representative citizens of Clay county, held at the Chandler House. Under the earnest pleading of Trustees Kidder, Inman, and Burdick, it was decided to ask the Commissioners of Clay County to call a special election on the issue of \$10,000 of bonds to start the project.

When the County Commissioners met in regular session on January 4 following, twelve petitions, one from each township of the county, were presented.³⁰ These had been circulated during the last week in December, and contained about four hundred signatures.³¹ The Commissioners granted the prayer of the petitioners, and called the election for February 15, to vote on the desired amount of bonds "to secure the permanent location of the State University of Dakota at Vermillion." The bonds were to mature in five years and to bear five per cent interest. The question was being popularly

²⁹ Dow, p. 42.

³⁰ Minute Book of County Clerk, Vol. 2, p. 30.

³¹ Dakota Republican, February 2, 1882..

discussed on every hand, and even debating societies were attempting to solve the proposition, "Is a University a benefit to Clay County?"³²

Apparently the first resolution of the County Commissioners did not meet the needs in every way. It did not state the exact form in which the question was to be submitted, so on January 18 a special meeting of the Commissioners was convened for the sole purpose of arranging the election. At this time a more extended resolution was adopted, setting the election for February 20, providing that the bonds mature "on and after ten years from date", and suggesting that a tax of one mill should be levied annually beginning with the current year for the payment of the bonds, if they carried.³³ The postponement of the maturity of the bonds may have been dictated by the cramped economic conditions of the county following the disastrous flood of the past spring, or it may have been designed to allow fuller discussion. The question to be submitted on the ballots was "For University Bonds" and "Against University Bonds".

The necessary four weeks notice of this election could not be given, or at least was not given,³⁴ so again the Commissioners met in special session to call the election in due form. A quorum was lacking on February 8, but on the 9th a still longer resolution was adopted, calling the election for March 13. The Commissioners altered the question to be submitted, so that it read, "For University Bonds and a tax of one mill on the Dollar."³⁵

In the campaign which followed, the opposition contended that Lot 4, the location set by the Act of 1862, had no proper site.³⁴ Proponents replied that Lot 4 offered "ample sites", but nothing was said of their propriety. Considering the situation of Lot 4 on the bottoms, and the subsequently chosen site, one might suspect that the prime promoters had no intention of placing the school on Lot 4. Indeed, the City Council, with Mayor Burdick in the chair, passed a resolution on February 27, weeks before the bond election,

³² Ibid., January 5, 1882.

³³ Minute Book of County Clerk, Vol. 2, p. 33-34.

³⁴ Dakota Republican, February 2, 1882.

³⁵ Minute Book of County Clerk, Vol. 2, p. 35-36.

pledging a free site at the expense of the city, unless private subscription sufficed.³⁶ Doubters expressed a belief that the bonds if voted would not suffice to hold the University; but supporters replied confidently that the vested right which would be established by the actual opening of the University in a plant of its own was protected by law, and that the University therefore could not be removed by a later legislature.³⁷ Opponents declared that the corporation was private and ought not to seek to involve the county in its speculations. The friends of the bonds complained that the opposition largely emanated from a jealous sister city, and argued that the University was to be an enormous asset to some section of the state, and that the election was simply Clay County's chance to share largely in that good fortune.³⁸ Some who favored the idea of the University thought that they ought to oppose the bonds. Under the caption, "What It Will Cost", one advocate of the bonds made a detailed calculation to show that a reasonable assumption as to increase in assessed valuation for the ensuing ten years proved that the tax of a mill each year would really enable the county to pay the bonds two years before maturity.³⁹

The campaign was carried on with warmth. The local Trustees bore the brunt of the battle. Kidder went on the stump in several places.⁴⁰ Dr. Burdick spoke in the north end of the county, and used the columns of his paper liberally in the interest of the bond issue.⁴¹ Even the real estate agent came to the rescue intentionally or inadvertently, by advertising:⁴²

Parties having land to sell, now is your time. I have several delegations of land buyers coming soon. If the University Bonds carry, there will be many more to follow.

As the day for the election drew near, the number of meetings increased. Trustees Jolley and Inman made ad-

³⁶ Dakota Republican, March 2, 1882.

³⁷ Ibid., February 16, 1882.

³⁸ Dow, p. 44-45.

³⁹ Dakota Republican, March 2, 1882. This article was repeated in the editorial column the following week. At that time the Republican issued a supplement summarizing the case for the bonds. (Dow, p. 44).

⁴⁰ Dakota Republican, February 9, 1882.

⁴¹ Ibid., February 16, 1882.

⁴² Ibid., February 23, 1882.

dresses in behalf of the bonds.⁴³ No less than six speakers led the opposition at one meeting in Meckling.⁴⁴

The vote was decisive, the bonds carrying nearly two to one. The total vote cast was 1230, 811 for, and 419 against the issue.⁴⁵ The vote in Vermillion Township was 404 for, and 2 against; so in the entire remainder of the county the majority was slightly adverse. Heavy majorities in favor of the bonds in Norway, Fairview, Spirit Mound, and Meckling Townships were matched by heavy majorities against in Star, Bethel, Garfield, and Glenwood Townships. In Riverside, Pleasant Valley, and Prairie Center Townships the vote was fairly close. In general the north half of the county opposed, and the south half favored. Dow brands as unfounded the charge of unfair means in the election.⁴⁶

On April 4 the County Commissioners decided to issue the bonds in sums of \$500, dated April 1, 1882, and payable April 1, 1892.⁴⁷ The bonds were delivered to the Trustees of the University, who sold them to A. S. Garretson of Sioux City for \$9,000.⁴⁸ During the spring negotiations were in progress to secure a suitable site, and on May 25 the Trustees met to take action. At this meeting L. P. Parmer⁴⁹ of Yankton held a proxy for Trustee Wilson, and C. F. Mallahan of Elk Point held one for Trustee Pettigrew.⁵⁰ Lot 4 on the bottoms was forgotten necessarily, since the town now was on the bluff. The site agreed upon was twenty acres, constituting part of the present site of the University. Ten acres was donated by Trustee Kidder, and ten acres was bought from G. B. Bigelow by the subscriptions of M. J. Lewis and other citizens whose names have not been preserved.⁵¹ The value of the entire twenty acres was estimated at \$6,000 by the Dakota Outlook two years later.⁵² It was decided to use Sioux Falls stone on the basement of the

⁴³ Ibid., March 2, 1882.

⁴⁴ Ibid., March 9, 1882. One of these charged the Republican with refusal to publish anything against the bond issue, but the paper denied the accusation.

⁴⁵ Minute Book of County Clerk, Vol. 2, p. 40.

⁴⁶ Dow, p. 45.

⁴⁷ Minute Book of County Clerk, Vol. 2, p. 43.

⁴⁸ Dow, p. 45-46.

⁴⁹ Dow has it "L. D. Parmer" (p. 46).

⁵⁰ Dakota Republican, June 1, 1882.

⁵¹ Dow, p. 46. Some references attribute the gift of ten acres to Mr. Lewis alone. See Catalogue of 1883-84, p. 8.

⁵² Dakota Republican, May 22, 1884.

building, but other questions concerning the structure were left to Architect W. L. Dow of Yankton, who was retained to prepare plans and specifications for a building to cost \$7,000.⁵³

The Trustees appointed Kidder, Inman, Burdick, and Parmer a building committee.⁵⁴ Their final decision was in favor of a structure 48'x61', extreme dimensions, built of Sioux Falls quartzite, and consisting of two stories in addition to the basement.⁵⁵ While the principal material was Sioux Falls stone, laid in irregular courses, white Iowa marble was employed for corners, window sills, caps and cornices. The date for closing bids on the masonry work was July 10,⁵⁶ and that on hauling material to the scene of operations only a few days later.⁵⁷ It was hoped to have the structure ready for occupancy when school opened in the fall, but material was not furnished promptly,⁵⁸ and the work was so much delayed that the masonry was not completed until October 21.⁵⁹

CHAPTER II.

The University a Private Corporation, 1882-83

The first annual announcement of the University was a nine-page pamphlet, which bears imprint of September 1, 1882. It brought forth numerous comments, many of them congratulatory, from the newspapers of the Territory.¹ In addition to the names of the Trustees and their officers, it listed a faculty consisting of one person, "Eph. M. Epstein, M. D., Principal of Academic Department." After stressing the urgency of training an adequate supply of teachers locally, and presenting an argument for public support of a higher school, instead of awaiting the initiative of religious denominations, the Trustees announced an academic department with the following requirements for admission:

⁵³ Ibid., June 1, 1882. Mr. Dow's ability to estimate seems to have been poor. On the first two undertakings he carried through for the University the cost overran heavily. On the third, the construction of East Hall and the east wing of the main building in 1887, he did much better.

⁵⁴ Dow, p. 46.

⁵⁵ Volante, I: 4.

⁵⁶ Dakota Republican, July 6, 1882.

⁵⁷ Ibid., July 13, 1882.

⁵⁸ Ibid., September 21, 1882.

⁵⁹ Ibid., October 26, 1882. This certainly does not mean masonry on the superstructure. The building could hardly have been so far advanced.

¹ Dakota Republican, October 12, 1882.

(1) Applicants were to have "passed their 14th year of age, unless otherwise provided."

(2) All must undergo an examination in (a) reading, (b) grammar, to syntax, (c) arithmetic through decimal fractions.

(3) Advanced standing could be secured by passage of satisfactory examinations on preceding courses.

(4) An annual admission fee of \$5 must be paid before examination, but it was returnable if the entrance examinations were not passed.

(5) No other fees could be charged except to non-residents of the Territory.

The first three days of each term were reserved for examinations. The subjects mentioned and the age of the students both point strongly to the intention to admit all who had at all satisfactorily completed the common school. The public high school in Vermillion was just becoming established,² and similar schools were few. Therefore the University was likely to find its place in serving boys and girls who had passed from the elementary school, but found no high school in reach. The local newspaper of the time speaks of students attending the "University school".

Four courses were announced: an English course of two years, a normal course, a "classic or polyglot course", and a scientific course, of three years each. The English course included grammar through syntax, oral and written composition, debate and extemporaneous speaking, penmanship, bookkeeping, arithmetic through progression, algebra through quadratics, "Geometry through plane Trigonometry", the elements of the various natural sciences except zoology, an inclusive course in geography, general and United States history, psychology, logic, ethics, religion, and government. This curriculum was probably a slight advance over the typical high-school curricula of that day. It included altogether too many subjects according to present standards, but secondary education a generation ago taught each student

² Florence B. Conrow states that she entered the University in 1883, because the Vermillion schools then offered only one year of secondary work.

more subjects than now. The training in each field was far less intensive than with us.

This English course was basic to the other three, the differentiation coming always in the third year, if the student continued that long. The third year in the normal course required Latin, drawing, and the science and art of teaching. Modern languages also were to be offered to fit the prospective teacher to the predominant nationalities of the community where he might teach. The languages mentioned in the announcement were probably suggested by the population in the mining camps in the Black Hills. The classic course contained in the third year Latin, Greek, German, French, and drawing, but required only Latin and one other language chosen by the student. The third year of the scientific course offered "Chemistry, Metallurgy, Mining, Engineering, Medicine, and Pharmacy", the student selecting those branches which would fit his needs.³ Elective work was provided in vocal and instrumental music, drawing, and painting, but an extra fee was charged for all of this except the vocal work, which could be done in chorus.

The year theoretically was set at forty weeks, consisting of a "fall and winter" term of fourteen weeks closing in December, and a "winter and spring" term extending from January to June. Daily recitations were to be held five days per week, from nine to twelve in the morning, and 1:30 to 4:00 p. m. For the first term this provided sixty-minute periods for most subjects, but English grammar and composition were allotted only forty-five minutes, while lectures and "Conversations"⁴ were abbreviated to thirty minutes.⁵ The passing grade was fixed at 70. Textbooks were sold at cost by the principal for this and several years afterward. That no equipment was at hand for any proper laboratory instruction in several of the wide range of subjects is certain, yet it should be remembered that forty years ago laboratory methods did not have the acceptance they have since acquired. Gifts for the beginning of a museum were solicit-

³ Much of this announcement from an institution without operating funds and but a single instructor, will impress the reader as highly anticipatory.

⁴ The meaning of this term is not understood.

⁵ Dakota Republican, October 19, 1882.

ed. Toward the close of the first year the Dakota Republican carried this advertisement:⁶

Dakota University Wants a Museum

Bring in your Owls, Hawks, and other rare birds.
Will pay the highest cash price for good specimens.

G. S. Agersborg.

This is preliminary notice of the interest Dr. Agersborg was later to take in the museum. At this time he had no official connection with the University.

The conduct of the students was governed by a few regulations. Punctuality and good deportment in and out of school were enjoined. No student was to carry a deadly weapon. Reading of questionable literature was also the subject of a warning. The intention was proclaimed of establishing a reading room by voluntary contributions. Sectarian control was not to enter the institution in any form, but students were to attend the church of their choice once each Sunday, and the daily devotional exercises held at the school.

Attendance straggled in. Dr. Epstein examined and admitted thirty-five on October 16-18, the opening days of the first term.⁷ The courses in which they enrolled did not exactly conform to the announcement, but were given as follows:

	Boys	Girls	Total
English	11	7	18
English and German	2		2
English and Latin	3		3
Normal	1	10	11
Classics	1		1
	—	—	—
	18	17	35

The stages of advancement which these students had reached in the different courses is nowhere stated. Probably most of those registered were in the first or second year, and so found it unnecessary to classify themselves otherwise than in the English course. The daily schedule already referred to did not list any subjects except mathematics, Latin, German, history, reading and speaking, grammar and composi-

⁶ Ibid, March 29, 1883.

⁷ Dakota Republican, October 19, 1882.

tion. This was a happy situation for the overworked principal. By the middle of the second week forty-four had enrolled,⁸ and in another week the total had risen to 46, comprising equal numbers of boys and girls.⁹ The actual term of school this first year was only twenty-four weeks, and the total enrollment was sixty-nine.¹⁰ The student body was largely a local one, and showed that those who had argued for the University as an asset to Clay County had by all means told the truth with reference to its early history. When the forty-six students were taken according to residence, thirty-nine of them were found to be from Clay County, three from Lincoln, two from Yankton, and one each from Beadle and Hutchinson counties. The customary title then applied to the institution was "University of Vermillion."¹¹

Dr. Ephraim M. Epstein,¹² who was selected as first principal, was a Russian Jew. Early in life he came to this country, turned Christian, and took his theological training at the Andover (Massachusetts) Theological Seminary. Later he studied medicine and surgery in New York City, and went abroad to practice at Saloniki and elsewhere. He attended clinics at Vienna, and became a surgeon in the Austrian navy in time to see service in the Austro-Italian War of 1866. Shortly after, he returned to the United States and practiced medicine in the Middle West for several years, before attempting his first teaching at Heidelberg College in Ohio. Leaving there on account of "a religious disagreement with the faculty", he began to preach in the Baptist Church at Yankton, Dakota Territory. Criticism of his interpretation of the Bible by a leading parishioner threatened his status, when the opening at Vermillion occurred. Dr. Epstein's specialty was languages, it being reported that he could converse in thirteen different tongues.¹³ His intimate knowledge of the Hebrew inclined him to criticise some of

⁸ Ibid, October 26, 1882.

⁹ Ibid, November 2, 1882.

¹⁰ Annual Catalogue for 1883-84 gives this enrollment but not the names. An old roster kept in a bound book and found in the vault of the University Library gives an alphabetical list of 63 names only for 1882-83. Thirty-nine were men, and twenty-four were women.

¹¹ Dow, p. 57.

¹² South Dakota Alumni Quarterly, VII: 63-71.

¹³ Dakota Republican, September 13, 1883.

the literal meaning read into the English version, and led to some of his religious troubles.

During the summer of 1882 Dr. Epstein had shown his industry by making a personal canvass as far north as Fargo, and securing several prospects for the student body.¹⁴ He removed his family to Vermillion,¹⁵ and became actively identified with the community. He spoke in the Baptist Church both morning and evening of the Sunday before the opening of school in the fall,¹⁶ and again on the first Sunday in November.¹⁷ His capacity for work was such that for a time he was the entire faculty single-handed, but in the latter part of November Trustee Jolley, himself a veteran of the Civil War began to offer instruction in military science, and M. J. Lewis conducted a class in penmanship.¹⁸ Military drill was held twice a week, and girls as well as boys took part.¹⁹ With the increased enrollment of the winter term, aid was imperative, and Miss Carrie Lawrence was engaged as assistant teacher, entering on her duties about March 1.²⁰

As the fall of 1882 drew on, the interest of Clay County in the approaching legislature was manifest. Trustees Burdick and Inman were elected to the Council and the House respectively from Clay County. As a matter of form, the Board of Trustees of the University met and re-elected the same trustees and officers for another year.²¹ It was their intention, however, to place the whole Territory behind the enterprise at the earliest possible date. Both Burdick and Inman were successful in being appointed to the Committee on Education in their respective bodies.²² The Governor was very temperate in his message with regard to higher education. The most he suggested relative to any of the territorial schools was that the legislature ask Congress for land grants, but his conservatism was largely offset by a

¹⁴ Dakota Republican, October 12, 1882; South Dakota Alumni Quarterly VII: 71.

¹⁵ Dakota Republican, October 5, 1882.

¹⁶ Dakota Republican, October 12, 1882.

¹⁷ Ibid., November 2, 1882. Dow (p. 48) says that Epstein was a former rabbi, but this is untrue; his parents merely began his education in that direction. Epstein was president of the Clay County Sunday School Association in 1883. See Dakota Republican, June 21, 1883.

¹⁸ Dakota Republican, November 30, 1882.

¹⁹ Ibid., December 14, 1882.

²⁰ Ibid., March 1, 1883.

²¹ Ibid., January 4, 1883.

²² Ibid., January 25, 1883.

visit which the legislature paid to Vermillion and the University on January 15.²³ A bill was shortly introduced to accept the buildings and grounds of the corporate University of Dakota on behalf of the Territory, and to make a new provision for the organization and government of the University. It passed both branches of the legislature by a unanimous vote.²²

The whole session of 1883 was filled with developments significant to higher education in Dakota Territory. In it was clearly reflected the sentiment for ultimate division of the Territory into the two Dakotas. Additional normal institutions, all in North Dakota, were established,²⁴ as well as an agricultural college at Fargo,²⁵ and the "University of North Dakota" at Grand Forks.²⁶ But the epochal statutes for our present purpose were Chapters 38 and 39 of the Special Laws of the session.²⁷ These largely ignored the old law of 1862-63, and made a new arrangement, whereby the University of Dakota was placed in charge of a Board of Regents, consisting of the Governor, the Superintendent of Public Instruction, the President of the University, and six other persons appointed by the Governor with the consent of the upper house. Appointive members were given a four-year term presumably, a half retiring each biennium, though the law is defective when it sets definite terms for the original incumbents, and then fails to state the term of their successors.

A secretary, treasurer, president, instructors, and other necessary officers were left to the unhampered appointment and removal of the Regents. An executive committee of three was empowered to audit claims and pay them, and present the record to the Regents at their meetings. This plan was almost necessary with a scattered membership on the Board, immense distances, and inadequate transportation facilities. The Regents received no per diem, but could collect actual expenses incurred in the discharge of official

²² Ibid., January 25, 1883.

²³ Ibid., January 18, 1883.

²⁴ Session Laws of 1883, Special Laws, Chapters 13, 17, and 18.

²⁵ Ibid., General Laws, Chapter 4.

²⁶ Ibid., Special Laws, Chapters 40-43.

²⁷ The latter of these was approved on February 3, 1883, whence has come the anniversary called "Charter Day", first celebrated in 1912. See South Dakota Alumni Quarterly, VIII: 23.

duties. The five departments mentioned by the law of twenty years before were now described as "a collegiate, scientific, normal, and such other departments with such courses of instruction and elective studies as the board of regents may determine." On the whole, the Regents were left more fully in control than was the case with the earlier law.

Sectarian instruction or control was forbidden. A co-educational policy was plainly set forth. The Regents were permitted to receive any person who had completed his elementary instruction, but "so far as practicable" the collegiate and scientific departments were to assume a high-school preparation. Secondary education was better developed than in 1863. Thus is made evident the purpose to assure without unnecessary delay a higher institution in fact as well as in name. Tuition was abolished for persons who were residents of the Territory a year preceding their admission to the University, "except in the law department and for extra studies."

One might ask how the regents could hope to carry out this ambitious program. Three answers suffice. First, the act, as already explained, authorized the Regents to take over the "University of Dakota", which had a fair building on the way to completion, and which was in running order. Second, it placed at the disposal of the University the endowment promised by Congress for that purpose two years before. Third, it made immediate provision for state support by the issuance of \$30,000 of territorial bonds, payable in ten to twenty years after date, "to pay the cost of completing and furnishing the present building of the University of Dakota and for constructing and furnishing a main building for the same." In addition, the following sums were appropriated from the treasury for the succeeding biennium:

Apparatus	\$ 1,000
Light, fuel, and janitor service	1,800
Incidental expenses	1,000
Improvement of grounds	500
Salaries	8,000

Total\$12,300

The president's salary might not exceed a maximum of \$1,500. There seems to have been no strong opposition to these appropriations. Corresponding items were voted for current expenses of the University of North Dakota, though in the majority of cases smaller in amount, but no appropriation or bond issue was authorized to assist with a building at Grand Forks.

The new Board of Regents consisted of the following appointive members: F. N. Burdick, Vermillion; E. T. Cressey, Huron; Rev. N. D. Fanning, Jamestown; David Elwell, Sioux Falls; E. C. Ericson, Elk Point; and John L. Jolley, Vermillion.²⁸ The first three were appointed for terms of four years, and the last three for terms of two years. Mr. Jolley resigned, but the vacancy was not filled. On April 14 the Regents met at Vermillion, laid the cornerstone of the building, and took over all property and records of the corporate University.²⁹ It elected Governor Ordway chairman, and Superintendent Beadle secretary.³⁰ The construction of the "main building" was discussed, and a decision reached to use similar material to that employed on the unit already constructed. Dr. Epstein was engaged to teach the next term, which commenced April 17.²⁹ From this one would conclude that the original idea of two terms for the year, as stated in the announcement of the preceding fall, was given up in favor of a year of three terms.

The last warrants drawn by the Trustees for payment on the first building were issued on April 13, the day previous to the meeting of the Regents. The total cost to the Trustees was \$9,958.20, paid out of the following receipts:³¹

Receipts from county bonds	\$9,000.00
Interest on county bonds, April 1 to June 30, 1882	125.00
Stone sold to Vermillion School District	460.10
Roofing sold to Vermillion School District	61.49
Admission fee from 64 students	320.00
<hr/>	
Total	\$9,966.59

²⁸ Volante, I: 5.

²⁹ Dakota Republican, April 19, 1883.

³⁰ South Dakota Historical Collections, III: 190.

³¹ Dow, p. 47.

This left no balance for operation, so local parties in Vermillion had to carry the operating expenses over the winter.³² It should not be understood, however, that the completed building cost the above figure, and that it was turned over completed to the Regents. Several times during the spring and summer the Dakota Republican refers to the progress of plastering, wainscoting, and painting. And only the last week before school opened in September, 1883, it was stated that the furniture was being installed.³³ At their meeting in early August the Regents drew \$5,000 from the territorial building fund of \$30,000 to complete and furnish the structure.³⁴ It was at this meeting that the transfer of property was regularly made to the new Board, and the title to the land approved.

The consumption of practically a year in construction of the first building rendered it necessary to hold what now would be called the "First Annual Commencement" in the old Court House, where school had been conducted the whole year.³⁵ The exercises occurred on Tuesday, June 5, and lasted nearly two hours. Aside from opening and closing remarks by Dr. Epstein, students were responsible for practically the entire program:

Address: "The Qualifications of the Primary Teacher" ..

..... E. F. Peterson

Reading: "The Curtain" Agnes True

Essay: "The Education of Mothers" George Taylor

Duet: "The May Day" Grace Smith and Lois Snyder

Essay: "School and Home Discipline" Burgo Burgess

Essay: "State High Schools" Colista Partridge

Reading: "Old Times and New" William Russell

Duet: "Flowery Banks" Lois Snyder and Lily Bower

Blackboard Demonstration: "A Question in Interest" ..

..... E. F. Peterson

Oration: "Education and Citizenship" William Simons

³² Dr. Epstein says that his salary was "subscribed" and amounted to \$700 for the year. (South Dakota Alumni Quarterly, VII: 71). Mr. Jolley confirms this, and says Epstein was engaged partly because he was a "cheap man".

³³ Dakota Republican, September 13, 1883.

³⁴ Ibid., August 9, 1883. The bonds had been placed on sale at the office of the Territorial Treasurer in Yankton on July 5 (Dakota Republican, June 28, 1883), and were evidently disposed of with but little delay.

³⁵ Dakota Republican, June 7, 1883.

Thus closed the first year of actual operation of an institution, which had the unique distinction of having existed on paper only for twenty years. A few men of vision and determination had brought the school into existence. Yet the name of but one of them is borne by any feature of the campus today.

CHAPTER III.

The Regime of the Territorial Regents, 1883-84

The Regents held several meetings during the summer of 1883. The first was July 19.¹ All appointive members were present except Rev. Fanning, whose distance from Vermillion made it necessary for him to send a proxy. Since the Governor and the Superintendent of Public Instruction were absent, Regents Cressey and Ericson filled the places of chairman and secretary temporarily. Ericson and Burdick were constituted a committee to recommend teachers to the next meeting, and to purchase suitable furniture for the west wing, as the first structure hereafter will be called. The treasurer, M. J. Lewis, presented a bond for \$10,000, and this was approved, despite the fact that he was to handle state appropriations totaling over four times that amount. Supt. Beadle, Burdick, and Ericson were appointed a committee to prepare a course of study for the school year of 1883-84.

Two weeks later the Regents met again at Vermillion on August 2 and 3, with all members present except Fanning.² Architect Dow presented plans for the "main building", which we shall hereafter designate as the central unit, since it was connected with the west wing. His plans were modified to enlarge the "chapel" to seat three hundred fifty. The executive committee were directed to advertise for bids on the building, to be opened at their next meeting. Excavation had already been begun on July 31 for a structure 88'x112'.³ But apparently plans were changed, at least contracted, for the dimensions ultimately were for an oblong

¹ Dakota Republican, July 26, 1883.

² Ibid., August 9, 1883.

³ Ibid., August 2, 1883.

building of three stories, probably about 72'x104'.⁴ On August 30, contracts were entered into with eight different parties, for various kinds of materials and different parts of the work.⁵ The Regents purchased the material on bids, and then let separate contracts for labor. Work began promptly and stone soon was going into place at the rate of four car-loads a day.⁶

In preparation for fall other material improvements were under way. During the spring the campus was seeded and planted in trees,⁷ and a foundation laid for the attractive grounds of a later day. It was this which caused the Regents in the meeting of August 3 to draw from the Territorial Treasurer the appropriation of \$500 made for improvement of grounds. The same meeting also drew the thousand dollars which was to be devoted to "Incidental expenses", doubtless for use on furniture for the west wing. Some of the more parsimonious residents protested against the proposal of the city to construct a sidewalk to the University grounds, but they were promptly overruled by the City Council.⁸

Other summer business of interest transacted by the Regents included the acceptance of the resignations of Governor Ordway as chairman and of Superintendent Beadle as secretary, the latter pleading considerations of health and eyesight.⁹ Dr. Burdick then became chairman, and John L. Jolley was chosen secretary at a salary of \$200 per year. These two changes were the essence of wisdom, because the responsibilities of the Board were becoming so heavy that constitutional officers, as ex-officio members, could hardly discharge them as an extra burden. After considering all evidence, one must conclude that from this time on the authority of the Regents was practically all exercised by two men, Burdick and Cressey.

Dr. Epstein was engaged as professor for 1883-84, with salary to start from August 1. His time until the opening

⁴Dow, p. 62. Later announcements of the University agree with him, but the Regents in their report to the Governor in January, 1885, gave the dimensions as 68'x116'. See *Dakota Republican*, January 22, 1885.

⁵*Dakota Republican*, September 6, 1883.

⁶*Ibid.*, September 13, 1883.

⁷*Ibid.*, May 3, 1883.

⁸*Ibid.*, May 24, 1883.

⁹*Ibid.*, August 9, 1883.

of school in September was to be devoted to a campaign for students, with \$75 allowed him for expenses.¹⁰ The other instructors were engaged a little later. The new principal was John Wesley Simonds, a man fifty-four years of age, who after eighteen years of experience in secondary schools had served as superintendent of public instruction in his home state of New Hampshire for five years.¹¹ He had spent two years as a city superintendent at Milford, Massachusetts, and had refused a professorship in Antioch College, the oldest higher institution in Ohio. He held the degree of Master of Arts from Bowdoin College, from which he graduated in 1854.¹² Garry E. Culver, a graduate of the University of Wisconsin, with his master's degree, and formerly principal of the schools of Vermillion for some two years, was the third instructor.¹³ He was engaged for the normal department.¹⁴ Thus the teaching force for the second year of operation was enlarged to three.¹⁵ The committee on course of study did not have its report ready, and the announcement of the year 1883-84 was a four-page bulletin containing no particular information as to courses.

The citizens of Vermillion made unusual preparations for the ushering of the University into its new home in September, 1883.¹⁴ The finishing touches were placed on the west wing at the last moment, so registration and entrance examinations were held the first week at the Baptist Church.¹⁶ About eighty candidates are reported to have been in waiting. Three of the Regents, in town for the formal opening, spoke to the students on Tuesday afternoon.

¹⁰ Dakota Republican, August 9, 1883.

¹¹ Ibid., June 4, 1884. His period as state superintendent in New Hampshire is given as six years by South Dakota Alumni Quarterly, XIV: 60.

¹² Volante, I: 5.

¹³ Dakota Republican, August 30, 1883.

¹⁴ Ibid., September 13, 1883.

¹⁵ The Volante (I:5) states that Dr. Agersborg served as instructor in zoology and curator of the museum in 1883-84, and that Amy A. White and Agnes L. True acted as student assistants. The catalogue for that year lists them too. It might be that they were being announced as instructors for the next year, but the Warrant Book of the Regents comes to our assistance. Miss White was paid four stipends of \$120 in all, Miss True a smaller amount, and Dr. Agersborg \$300. Dow does not include them in the faculty of 1883-84, but he doubtless should. The force then was fractionally more than three for that year.

¹⁶ W. J. Simons gives the place of registration and examination as a distinct personal recollection. If he is correct the University Catalogue of late years is wrong, when it says that school started on the present campus on September 17, 1883. It should state a week later.

The building which was to be occupied we have called the west wing, because it stood on the exact ground occupied to-day by the west wing of University Hall. No exact description of it appeared in print to the writer's knowledge until June, 1885, at which time ex-Regent Cressey in his *Dakota Leader* published what might be called a somewhat extended "account of his stewardship."¹⁷ The building was entered from the west, and the location of the entrance is still evident to one who approaches the present building from the west. From this entrance a hall ran east and west, dividing the lower floor into two parts, the northern one of which was considerably the larger. On the south of this hall was first a cloakroom, from which a winding stairway ran to the upper story. To the east of the cloakroom was a recitation room of modest size. The north portion was a much larger room, used in the early days by Professor Culver. It not only accommodated his crowded classes in mathematics, and some branches of science, but it contained most of the scientific equipment and collections. At the east end of the hall was another small recitation room, used in the early years by Dr. Epstein. It stood in the space where at present is found a cloakroom and winding stairway at the west extremity of the east and west corridor of University Hall.

The upper floor of the west wing was composed of rooms corresponding closely in size to those of the first story, but the hall of the lower story was absorbed by the large north room. This large room was the president's office and classroom, and the assembly room combined. The south room upstairs was primarily the chemical laboratory. The east room was the home of the library.

When the formal opening was held on Tuesday evening, September 18, 1883, four of the regents were present and an

¹⁷ Copied by *Dakota Republican*, June 18, 1885. Names of parties assisting in the construction of the building, and several mechanical details were given. The description has been checked and room assignments worked out with the assistance of Florence B. Conrow and W. J. Simons, who were students of the University in 1883-84. The building was spoken of by the *Republican* as thoroughly lighted and ventilated, steam heated and fireproof, finished in oak, except the floors, which were of Georgia pine. (Issue of August 9, 1883). This lacks consistency. Nor was the building steam heated, but it was heated by stoves, one in each room, according to Mr. Simons.

unusually large audience from Clay and neighboring counties.¹⁸ Vermillion did not have a band at that time, but Elk Point sent hers to grace the occasion. D. M. Inman, one of the founders of the University, acted as chairman. After music by a Sioux City organization, a series of addresses was given. H. A. Copeland of Vermillion made a speech of welcome in which he briefly traced the history of the institution. Speakers from a distance were ex-Chief Justice Shannon of Yankton, Regent Beadle, and H. G. Winslow of Racine, Wisconsin. Each of the three faculty members also made remarks. Some patriotic songs were sung by the audience under the direction of M. J. Lewis, and the audience then adjourned from the auditorium to a lower room,¹⁹ where tables were laid for eighty persons.²⁰ The tables were filled six or seven times, but by that time those who had not eaten had left, for the hour was 2 a. m. On all hands praise was heard for the generosity and care with which Vermillion had entertained her guests.

Of the actual instruction during the following school year little can now be learned. A new announcement was issued near the close of the fall term,²¹ doubtless the belated effort of the committee of Regents appointed the preceding summer. The arrangement decided upon provided three courses,—academic, normal, and college preparatory. These courses were uniformly three years in length. The first emphasized studies in English as a preparation for the scientific course in college or for business pursuits. The normal course comprised professional drill and class instruction for prospective teachers in the common schools. The college preparatory course included in addition to an English foundation a study of Latin to qualify one to pursue a classical college course. The faculty were directed by the Regents to teach only the English pronunciation in Latin classes.²²

¹⁸ Dakota Republican, September 20, 1883.

¹⁹ W. J. Simons says it was the basement.

²⁰ Dakota Republican, October 4, 1883.

²¹ Ibid., December 20, 1883.

²² W. J. Simons says that Dr. Epstein favored the Roman pronunciation, and Principal Simonds the English. When his class first met after the Regents had settled the matter. Dr. Epstein said, "Well, children, things are at a pretty pass when we must be told what to teach. I shall use the Roman pronunciation, and you may use what you please."

Examinations had become a prominent feature, aside from their relation to admission, for the two closing days of the fall term were devoted to that purpose.²³ Part of an examination on formal grammar toward the end of the spring term has been preserved:²⁴

"Name four principle laws governing the use of the English language and give illustrations? Define the verbal? Give illustrations of the substantive use of the participle and simple infinitive; of the adjective and adverbial use of the infinitive."

A passage from Gray's *Elegy* was to be analyzed and some of the words parsed. A theme of not less than seventy-five words on Arbor Day closed the examination. Some papers ranked above 90, but one of the words to be parsed was so difficult that it was not treated correctly by a single member of the class. Perhaps some of the spelling and punctuation in the questions quoted above is to be charged to the printer.

Social life and organization among the students underwent some development this year. The increased attendance brought questions of regulation of conduct with it.²⁵ Indulgence in intoxicating liquor and frequenting places of public resort were forbidden. Calls of boys on girls were allowed only by special permission. The first record of a social evening for students and faculty falls on March 5, 1884.²⁶ The "first" social evening of the spring term occurred on April 23.²⁷ This carries the suggestion that such affairs were becoming frequent. In late March a class organization was effected by Principal Simonds' "class in history", when it held a supper at the Chandler House.²⁸ Carl Gunderson, later Governor of the State, was chosen as president, and Florence B. Conrow and George L. Taylor as vice presidents. A secretary, historian, and executive committee were also provided, but no treasurer. Florence Conrow recalls the occasion, and says that the class felt a treasurer would have no function. The first organization of a class, in the sense of a group

²³ Dakota Republican, December 20, 1883.

²⁴ Ibid., May 29, 1884.

²⁵ Ibid., January 24, 1884.

²⁶ Dakota Republican, March 13, 1884.

²⁷ Ibid., May 1, 1884.

²⁸ Ibid., March 27, 1884.

expecting to complete their studies simultaneously, was completed toward the close of the year, in May, when the correspondent tells us that "The first class in the University held its first class meeting last Friday evening."²⁹

The first effort to form a literary society occurred on September 28, 1883, when interested students of both sexes met at the Clay County Court House, where school had been held the preceding year.³⁰ Within the next few weeks a name was adopted at the suggestion of Professor Culver, who with Dr. Epstein was numbered among the charter members. The name was Jasperian Society, derived from "jasper," the term commonly applied to the Sioux Falls granite of which the west wing had been constructed. This name was thought to typify the strength and durability which it was hoped the young society would develop. W. J. Simons informs the writer that he was one of about a dozen charter members,³¹ and that others were voted in with care. The program committee, he says, required participation or forfeiture of membership, and he recalls the names of some who were dropped under this rule. Spelling reform and equal suffrage were some of the early subjects discussed, but not nearly all of the program was given to formal debates. The regular order of program was (1) opening speech, (2) declamation, (3) essay, (4) "The Spartan",³² and (5) debate.³³ "The Spartan" was a modest unprinted attempt at student journalism.

After the Jasperians began to meet at the present campus later in the fall women were not admitted, but they shortly formed a club of their own, called the Euphemian Association. The first record of its meeting is in February.³⁴ Its program included essays, declamations, and music, but no debates.³⁵ It also had a paper of current comment, called "The Euphemian". Dr. Epstein frequently attended its ses-

²⁹ Ibid., May 15, 1884..

³⁰ South Dakota Alumni Quarterly, Vol. I, No. 4, p. 3.

³¹ Allen thinks there were twenty-five or thirty charter members (South Dakota Alumni Quarterly, Vol. I, No. 4, p. 8). His figure is excessive, because at that time there could not have been over forty-five men in school the largest term.

³² W. J. Simons is certain this is the correct name, though others have it "The Little Spartan" (Daily Republican, November 8, 1883) and "The Little Jasper" (South Dakota Alumni Quarterly, Vol. I, No. 1, p. 4).

³³ South Dakota Alumni Quarterly, Vol. I, No. I, p. 4.

³⁴ Dakota Republican, February 21, 1884.

³⁵ Ibid., May 1, 1884.

sions, since there was no qualified lady sponsor on the faculty.³⁶ Shortly before the close of the winter term the Jasperian Society held an open meeting, which was attended by the Euphemians in a body, wearing their new badges.³⁷ The burning topic of debate on that occasion was Chinese immigration, since this was less than two years after the passage of the first exclusion act by Congress. Both the Jasperians and Euphemians met weekly on Friday evenings practically from their beginning, according to Mr. Simons.

The University now began to become an educational force in an extramural sense. Principal Simonds received a call to the Nebraska State Teachers Association in the spring of 1884.³⁷ He also became known as a writer for professional journals. One of his interesting contributions contrasts school keeping and school teaching. Possibly the first educational meeting ever held at the University, outside of its own program, was a meeting of the teachers of Clay and Union Counties on May 9 and 10, 1884.³⁸ All three of the University professors helped with the program. But before the next year started, a much more pretentious gathering was arranged by Superintendent Beadle.³⁹ This was to be a normal institute for all Dakota Territory. It opened August 25 and continued two weeks. The intention doubtless was to accommodate the teachers who might be coming from various older-settled parts of the country, and who would wish to go on at once to their schools for the fall opening. The Regents recognized the institute as part of the work of the normal department of the University, and appropriated \$200 to help finance it.⁴⁰ Professor Lewis McLouth of the State Normal at Ypsilanti, Michigan, conducted the institute, and A. W. Barber of Yankton was an instructor. General Beadle of course was present and assisting. Large plans were made. It was announced that the faculty of the University would also instruct, and that there were four hundred teachers of the Territory to be drawn upon. However, of the faculty Professor Culver alone instructed, though Dr. Epstein

³⁶ South Dakota Alumni Quarterly, Vol. I, No. 1, p. 4.

³⁷ Dakota Republican, March 13, 1884.

³⁸ Dakota Republican, May 15, 1884.

³⁹ Ibid., July 24, 1884.

⁴⁰ Ibid., May 22, 1884.

attended.⁴¹ Principal Simonds did not return from the East until the session was almost over. No figures of attendance were published. The natural inference is that considerations of distance resulted in a disappointing turnout.

The University secured considerable publicity, much more in the local press than it had the first year. A frequent heading for a part of a column was "University Notes" or "University Items". A general visiting day for citizens was tried on March 20, 1884, the closing day of the winter term.⁴² Arbor Day was observed on April 23, with the planting of trees by each of the three classes.⁴³ The trees chosen were an oak, a walnut, and a maple. Appropriate exercises accompanied the ceremony. This aspect of campus improvement was contagious. In the spring of 1884 no less than three hundred trees were set out, mainly ash, maple, elm, oak, pine, lime and box elder.⁴⁴ The construction of the central unit of the building, discontinued over the winter,⁴⁵ began again in the spring, but none of this addition was ready for occupancy until about the time of opening in the fall of 1884.⁴⁶

The progress of the University in general is perhaps as well marked as in any way by the increasing and friendly comments of Dakota papers concerning the school, its growth and facilities.⁴⁷ While the legislature had made no specific appropriation for a library, a reference library had been started, and a free reading room opened in the second story of the west wing.⁴⁸ Over forty newspapers and a dozen magazines were regularly received. A set of valuable and accurate meteorological apparatus was purchased, and for some months thereafter a weekly weather report, furnished by Professor Culver, was published in the local paper with considerable regularity. "Philosophical apparatus" in-

⁴¹ *Ibid.*, August 28, 1884.

⁴² *Dakota Republican*, March 13, 1884.

⁴³ *Ibid.*, April 24, 1884.

⁴⁴ *Ibid.*, May 1, 1884.

⁴⁵ *Ibid.*, November 22, 1883.

⁴⁶ A great disaster was averted when one night in July during a heavy storm an alarm was sounded that "The University is on fire." It proved to be only an overheated furnace left on the roof by a workman. It was thrown to the ground by one George Porter, but not until he experienced a narrow escape from fatal injury by sliding down the roof before a violent wind.

⁴⁷ Many of these were quoted by the *Dakota Republican*.

⁴⁸ *Volante*, I: 6.

stalled included an air pump, compound microscope, electrical machine, induction coil, and other pieces, some of it imported from Europe.⁴⁹ An attempt was also being made to start a "natural history" department. The earlier effort to create a museum was continued with reasonable success.⁴⁸ Over three hundred mineral specimens and fossils, and a large collection of native animals and insects were on hand before the end of the year.

This second year was divided into three terms, running fourteen, eleven, and twelve weeks respectively.⁵⁰ The total enrollment rose to 96.⁵¹ Statistics on the enrollment by terms have not been fully preserved, but the peak of enrollment was probably reached in the winter term shortly after the holidays.⁵² In harmony with the preceding year, the "Young Gentlemen" as the catalogue termed them, outnumbered the "Young Ladies" by nearly fifty per cent. The attendance still was strongly local, but slightly less so than the first year. No students came from Yankton County, which might be traceable to two reasons: Yankton College was giving good service to her local constituency, and the attitude of Yankton and Vermillion was not very friendly as a result of the fight over capital removal. The territorial distribution of the student body for 1883-84 was as follows:

	Boys	Girls	Total
Clay County	47	37	84
Union County	6		6
Lincoln County	2	1	3
McCook County	1		1
Bon Homme County	1		1
Nebraska		1	1
	<hr/> 57	<hr/> 39	<hr/> 96

Closing exercises were held at the conclusion of the winter term with an address by Regent Cressey,⁵³ and the second

⁴⁹ Dakota Republican, March 13, 1884. The reader should recall that "natural philosophy" was the early term for the physical sciences.

⁵⁰ See calendar in Catalogue for 1883-84, and Dakota Republican, December 20, 1883.

⁵¹ Annual Catalogue for 1883-84, p. 5-7.

⁵² Dakota Republican, April 10, 1884, gives the fall enrollment as 75, and that of the winter as 90.

⁵³ Dakota Republican, March 27, 1884.

commencement occurred on June 19 in the Methodist Church, with Dr. Fanning acting as commencement orator.⁵⁴ In the evening Principal Simonds gave a reception to the public.

The regents laid plans for an enlarged faculty and program for 1884-85. In May they re-elected Principal Simonds at a salary of \$2000, and changed his title to President.⁵⁵ Professor Culver was retained at \$1500. A little later Dr. Epstein was re-elected at \$1000 but this was later raised to \$1200.⁵⁶ At this meeting they also engaged Dr. G. S. Agersborg to act as instructor in zoology, and curator of the museum, but Dow informs us that his appointment was only nominal,⁵⁷ a statement borne out by the fact that warrants were not drawn to his favor in 1884-85. While Agersborg was by profession a veterinary surgeon, he was something of an ornithologist and taxidermist. In a report to the American Ornithologists Union he had classified over two hundred species of birds found in South Dakota, some of them very rare.⁵⁸ Mrs. C. S. MacGregor was selected as a fifth member of the faculty.⁵⁹

The salary given President Simons was in direct violation of the statute, and attracted the attention of the Press and Dakotaian, a Yankton paper.⁶⁰ It charged that Governor Ordway himself a native of New Hampshire, had been instrumental in displacing Dr. Epstein, a "Dakotan",⁶¹ in favor of President Simonds, another native of New Hampshire; it complained that a New Hampshire man had been made "superintendent of construction on the University building, and alleged that this was mostly explained by the fact that Dr. Burdick then president of the Board of Regents, was also a New Hampshire man. It called attention further to the violation of the law in fixing the salary of President Simonds. In denying all these charges the Dakota Republican was somewhat wide of the truth. It stated that Dr. Epstein was not displaced as president, because he had never been presi-

⁵⁴ Ibid., June 26, 1884.

⁵⁵ Dakota Republican, May 8, 1884. Again recent University catalogs err in stating that Simonds was titled President in 1883-84.

⁵⁶ Dakota Republican, May 22, 1884.

⁵⁷ Dow, p. 70.

⁵⁸ Dakota Republican, March 27, 1884.

⁵⁹ Ibid., May 22, 1884.

⁶⁰ Ibid., August 21, 1884.

⁶¹ We have seen how brief had been Epstein's residence in Dakota.

dent, only principal; but the fact was that he as principal was superseded by Mr. Simonds as principal. In denying that President Simonds was to receive \$2000, the Republican was denying a statement that had appeared in its own columns a few weeks before, and it was also falsifying, because the Warrant Book for the next year shows that Simonds was paid \$2000. Regent Elwell did not clear up matters at all by explaining that "President Simonds is paid \$1500 as president and \$500 as professor of languages."⁶² While the writer can not affirm positively that President Simonds taught no language, language certainly was not the major part of his teaching responsibility. Elwell's statement was a very clumsy subterfuge. It is not for us at such a distance to say whether a satisfactory head of the institution could have been secured for \$1500, but the violation of the law by the Regents in this matter was only an illustration of bad judgment, to be as charitable as possible, which called upon their heads the wrath of the next legislature. The attack of the Press and Dakotaian was the first made by the press upon the University, so far as can be ascertained.

CHAPTER IV.

The Regime of the Territorial Regents, 1884-85

Before the opening of 1884-85 the catalogue for 1883-84 was issued, containing announcements for the following year. It was more than twice as lengthy as either previous announcement. Half of it was devoted to a description of courses of instruction, and the instructional work of preparatory grade was given a far more thorough organization than had appeared at any time in the past. Opportunity was preserved for students not contemplating a college course, to select work according to their needs, thus carrying what was termed a "mixed course", but it was made clear that students would not be permitted a registration lacking in balance or over-specialization.

The preparatory work for 1884-85 was definitely based in its general outlines upon that of the preceding year, though

⁶² Dakota Republican, August 28, 1884.

names of courses were altered in the direction of greater clarity and fitness. The old "academic course" became an "English course", but its purpose to equip for business pursuits or for scientific studies in college remained unchanged. The punctuation in the catalogue is not always clear, but one would infer a course as follows:

ENGLISH COURSE

First Year

First Term	Second Term	Third Term
English grammar	English grammar	Rhetoric
Parsing and analysis	Parsing and analysis	Physiology and hygiene
Physical geography	Physical geography	Bookkeeping
Arithmetic	Arithmetic	Commercial arithmetic

Second Year

Natural philosophy	Natural philosophy	Civil government
Algebra	Algebra	Algebra
Ancient history	Medieval history	Modern history

Third Year

Geometry	Geometry	Geometry
American literature	Chemistry	Political economy
Botany	Geology	Reviews

The normal course was now differentiated to offer a one-year course, on completion of which a "certificate of proficiency" would be issued, and a course of three additional years for those who could stay that long. This marks an advance of one year in length of course, and made the normal course the first preparatory one to cover the full four years. The outline of only the first year of this course is given in full.

NORMAL COURSE

First Year

First Term	Second Term	Third Term
Reading, spelling, writing, etc.	Reading, spelling, drawing, etc.	Reading, spelling, drawing, etc.
Grammar	Grammar	Grammar
Parsing and analysis	Parsing and analysis	Parsing and analysis
Arithmetic	Arithmetic	Arithmetic
Geography	Geography and U. S. history	Geography and U. S. history

The other three years paralleled the English course in the main, but there was a sort of hit-and-miss shuffling of subjects from one term in one course to another term in another course. The principal difference between the two was in the thorough review of common branches pursued in the first normal year. The strictly professional elements of the normal course were confined to two terms of "mental science" in the last year, and some extra lectures on the science and art of teaching, together with practice teaching. The last of these was not offered for many years still.¹

The college preparatory course of 1883-84 was now termed a "classical preparatory course". This title also better fitted its announced purpose of preparing students for the classical course in college, and its subjects were well designed for the end contemplated. It differed from the English course principally by the inclusion of Latin for a full third of the work, and the omission of English grammar and abridgment of other subjects.

A fourth preparatory course of three years was established, and designated "Course in Literature". It was a compromise between the English and classical preparatory courses, differing from the latter principally in the substitution of French for Latin. Since it was to prepare students to enter the "college literary course", it reveals the conviction that college work is bound to be more than scientific or classical; it foreshadows the development of modern language at the University.

¹ Statement of F. Belle Conrow, an early graduate of the normal course and connected with Vermillion schools when practice first began.

The requirements for entrance to these four preparatory courses were almost the same, except for a lessened emphasis on arithmetic and United States history in the normal course. This was probably admissible with the normal course one year longer than the others. There is no record that any applicant was refused admission in these early years, and some statements are made to the contrary; but it seems that the ground covered by the examination now was wider than at the outset in 1882, according to the announcements. A degree of Bachelor of Didactics was offered to students completing the normal course, but others received no degrees until a college course had been finished. Aside from the early part of English and normal courses, the standard student load was three subjects at a time.

The catalogue of 1883-84 announced for the first time strictly college courses in advance of preparatory studies. Three general departments were to be opened,—scientific, classical, and literary. These, it will be observed, were the sequels of the three preparatory courses aside from the normal. Each college course was to continue four years, and the degrees at completion were to be respectively Bachelor of Science, Bachelor of Arts, and Bachelor of Literature. Only the first year of these college courses was outlined, because it was clear that the demand would for some time not go beyond that point. The details of the projected courses are therefore not given here. The announcement was quite faulty in its hazy distinction between entrance and college requirements. The sole method of admission mentioned was by examination, which was to be both written and oral. Music as a general elective continued open to all.

The fall term opened on September 9, 1884, with an enrollment of nearly a hundred.² Others continued to come until when the term closed in late December a total of sixty-two men and fifty-four women had been enrolled.³ This was a most satisfactory growth over the total of less than a hundred the entire preceding year. The winter term jumped quickly to an attendance of 120, necessitating the occupa-

² Dakota Republican, September 11, 1884.

³ Ibid., December 25, 1884. Dow says (p. 70) that the session opened with this number, but he must be in error.

tion of some more rooms of the uncompleted central unit of the building.⁴ The total enrollment for the year was 137.

The roster of attendance at the close of the year made no attempt to classify the students by courses, but it gave their postoffice addresses, thus making it possible to compare roughly⁵ the geographical distribution of students with that of the previous year. The following table shows that the proportion coming from Clay County had fallen to about seventy per cent, but the University still was distinctly an institution of Southeastern Dakota.

County	Men	Women	Total
Clay	54	42	96
Union	13	8	21
Yankton	2	2	4
Charles Mix	2	2	4
Lincoln	2	1	3
(Scattering)	5	4	9
<hr/>			
Total	78	59	137

The proportion of men and women remained about stationary.

Of the internal work of the school during this year little record has been preserved. Mrs. MacGregor resigned shortly after the opening of school, and her place was taken by Ella A. Knapp, a graduate of Kalamazoo College.⁶ Five young women of the student body also were drafted to assist in various capacities; thus the larger enrollment was handled without hiring other full-time instructors. The social life of the school continued during the year somewhat as before, if one may infer from occasional mention in the local press.⁷ From such expressions as "first class", "second class", or "junior class" in the news notes one would conclude that the student body was to some extent undergoing classification. The Jasperians held their annual public meeting in late February, and presented a program comparable with those

⁴ Ibid., February 5, 1885. The cost of the building overran the appropriation.

⁵ Many postoffices have now been abandoned.

⁶ Dow, p. 70.

⁷ "The University students gave their monthly sociable". *Dakota Republican*, May 21, 1885.

we have earlier found.⁸ The Euphemians continued their work with Miss Knapp as adviser.⁹ The library at this time contained about five hundred volumes.¹⁰ The museum was greatly helped by collections contributed by a surveying party of the summer of 1884.¹¹ Among its members were three students, Eric Burgess, Carl Gunderson, and Silas Webb. The cooperation of the University with the Clay County Teachers Association continued as a means of linking together the normal department and the school interests.¹² To use an expression of much later origin, the University was attempting extension work through its normal department.

The supreme interest of the year was the treatment which the University might expect from the legislature of 1885. The November elections were not reassuring, since they left Clay County with no representative in the Council; however, it was fortunate to have two representatives, Dawson and Myron, in the House. Preparatory to the legislative session, the Regents arranged a meeting at Vermillion on December 18, and invited members-elect of the legislature from the local district to be present, that they might look over the University and form an idea of its needs.¹³ In making up their report the Regents stated that the appropriation of 1883 had been insufficient to complete the central unit, the second and third stories remaining unfinished. They therefore asked for a total of \$59,450 for all purposes for the coming biennium.¹⁴

In 1885 the legislature met at Bismarck as a result of the maneuvering which had removed the capital from Yankton. While it was in session, attacks were made on the University through the press. One was directed at Regent Cressey for a charge of \$36 for a visit to Vermillion consuming four days.¹⁵ His home, it will be remembered, was at Huron. A persistent critic was the Sioux Falls Leader,

⁸ Dakota Republican, March 5, 1885.

⁹ South Dakota Alumni Quarterly, Vol. I, No. 1, p. 5.

¹⁰ Announcement for 1885-86.

¹¹ Dakota Republican, January 1, 1885.

¹² Ibid., February 26, 1885.

¹³ Dakota Republican, November 27, 1884.

¹⁴ Ibid., January 22, 1885.

¹⁵ Ibid., February 12, 1885.

which stigmatized the University as "of hardly high character enough to constitute a grammar school."¹⁶ The editor expressed the opinion that there would not in the next three years be an applicant for admission into the university at Vermillion or any where else in Dakota with sufficient education to entitle him to enter the freshman class of any reputable college or university in the country.

While these shafts were aimed principally at Vermillion, the institution located at Grand Forks was included.

Exaggerations in its earlier article relative to appropriations accorded the University in the past were supplemented by further misstatements when the Leader gave out the enrollment of the University as 69, though it then was 120.¹⁷ It was not unnatural perhaps for friends of the University to characterize all this as propaganda to hurt the University and to help the denominational schools. Still one might take a more charitable view and assume that the enrollment was drawn from the catalogue of the first year, which showed only 69.¹⁸ The critic may have merely been two years behind the time, though some no doubt felt that he was further in arrears than that in some other respects.

Representative Myron was fortunate in being placed on the committee on education in the House.¹⁹ The University also was ably supported in the legislature by some men from the northern part of the Territory.²⁰ The body proved far from critical. The wave of sentiment for normal schools which had swept over the previous legislature was substituted in this one by another wave for universities. A bill was introduced to appropriate \$50,000 for a Central Dakota University at Ordway, one of the towns which had been zealous to secure the capital.²¹ This was defeated, but a measure to locate the school at Ordway was passed, as also was one by the House for a university at Steele.²² The Governor had the wisdom to veto the Ordway measure, alleging it to be unnecessary, and the legislature seemingly was glad he

¹⁶ Ibid., February 19, 1885.

¹⁷ See p. 218 ante.

¹⁸ See p. 198 ante.

¹⁹ Dakota Republican, January 29, 1885.

²⁰ Ibid., March 5, 1885.

²¹ Ibid., February 19, 1885.

²² Ibid., March 12, 1885.

vetoed it, for scarcely any votes at all were registered in favor of overriding the veto.²³

Though the large body of the population of the Territory was still in what later became South Dakota, the swing of power toward the north half was manifest in the relative appropriations for the universities at Vermillion and Grand Forks. The latter institution exceeded the former by securing \$38,400 current funds for the following biennium, while the University of Dakota received only \$25,950.²⁴ In respect to bond issue also the Grand Forks institution carried away the greater benefits, with \$26,000 to meet the building deficiency and to make material improvements, while the school at Vermillion received only \$15,000.²⁵ The bonds were for a maximum term of twenty years, and bore interest at six per cent. It was a source of much gratification to University friends, nevertheless, that the bond issue received a unanimous vote in the House.²⁶

The details of the appropriations might be summarized as follows:

Maintenance:

From current funds:

Salary of president	\$ 4,000
Salaries of teachers and professors ..	13,750
Salary of secretary	1,000
Lights and fuel	3,000
Janitor and engineer	1,200
Library	1,000
Apparatus	1,000
Contingent expenses	1,000

Total	25,950
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Building and improvements:

From current funds:

Dormitory and waterworks	10,000
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From bonds:

Heating, plumbing and sewerage	5,000
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²³ Ibid., March 19, 1885

²⁴ Session Laws of 1885, General Laws, Chapter 9.

²⁵ Session Laws of 1885, General Laws, Chapters 26 and 27.

²⁶ Dakota Republican, March 5, 1885.

Completion and furnishing of main
building 10,000

Total 25,000
Grand total for all purposes \$50,950

Aside from financial support, the legislative enactments of 1885 mentioned the University of Dakota in but two ways. One prohibited the sale of intoxicating liquor within three miles of the institution, except for "medicinal or mechanical purposes", and prescribed severe penalties of fine or imprisonment, or both, in the discretion of the court.²⁷ In the House at least the margin for the bill was wide, 35 to 8.²⁸ One cynic declared during the debate that he foresaw great improvement in the health of the students, since this measure would cause them to walk three miles before breakfast each morning.²⁹ This law settled the question whether licenses should continue to be issued in Vermillion, a problem that had been seriously debated by the City Council a year before, because of the disreputable management of the existing saloons.³⁰

The other respect in which the University was affected is set forth in the same chapter as that providing the bond issue.³¹ The existing Board of Regents was abolished, and a Board of Directors appointed by the Governor with the consent of the Council succeeded to their powers. Their term of office was set at two years. This was a much less satisfactory organization than its predecessor for two reasons. First, the term was made too short for men to secure much comprehension of the needs of the institution. Second, the board might all be changed simultaneously if a governor so chose and the Council permitted. The second of these weaknesses was apparent in the appointment forthwith of a totally new Board, which proceeded immediately to tear up the faculty, but found time for the issuance of only a ten-page announcement, containing a little general information and the list of students for 1884-85.

²⁷ Session Laws of 1885, General Laws, Chapter 150.

²⁸ Dakota Republican, March 5, 1885.

²⁹ Ibid., March 12, 1885.

³⁰ Ibid., January 3, 1884.

³¹ Session Laws of 1885, General Laws, Chapter 27.

The new Board of Directors consisted of L. P. Sabin of Elk Point, Ivar Anderson of Bolton, C. E. Prentis of Vermillion, N. J. Wallace of Elk Point, and Alfred Sherman of Canton.³² Sabin was a Congregational minister, Prentis and Wallace were members of the Congregational Church, and Anderson was a Lutheran minister. The religious and political affiliations of Sherman are unknown to the writer, but the group was predominantly Republican and Congregational. The Board's first meeting was held on April 16. Rev. Sabin was chosen president, and John L. Jolley continued as secretary. Prentis, Sabin, and Anderson became the executive committee.³³ At this meeting the Board decided to build two large cisterns and a well to supply the boiler for heating apparatus to go in before fall. Plans for the dormitory were to come before the next meeting on May 5.

That friction was responsible for the alteration of the law governing the University was soon obvious from several incidents. The retiring Regents lost no time after the adjournment of the legislature in having placed in the vestibule of the central unit of the building a polished tablet 2'x3' from the Pipestone quarry, bearing the names of themselves and that of the architect.³⁴ Some of the students humorously referred to this as the "Regents' Tombstone". There was an undercurrent of feeling in the student body that the members of the original private corporation might have been more appropriately recognized by a tablet than several of the Regents.³⁵

Regent Cressey had been assailed by the Vermillion Plain Talk, and he called upon it, and members of the new Board whom he identified as its friends, to investigate his record in full.³⁶ The former catalogue had been published by the Dakota Leader, owned by Regent Cressey; the new announcement in the summer of 1885 was issued from the Plain Talk office in Vermillion. The latter was not a very creditable piece of work. Students were not even listed in an al-

³² Announcement for 1885-86.

³³ Dakota Republican, April 23, 1885.

³⁴ Ibid., March 26, 1885. This the incoming Directors refused to pay for. See Dakota Republican, January 13, 1887.

³⁵ Statement of W. J. Simons.

³⁶ Dakota Republican, April 23, 1885.

phabetical order. Plain Talk declared, "It is not a long winded and verbose thing such as was got out under the Cressey management".³⁷ The Republican commented by saying, "President Herrick has issued a circular giving the courses of study. It is an elaborate affair".³⁸ Since it consisted of but ten pages, we take the last remark to be ironical.

The *Volante* later referred to the change of management of the University as due to "local political differences".³⁹ What these were can not now be ascertained. C. E. Prentiss tells the writer that he is not conscious that there was any special criticism of the conduct of the University, but that probably the new law was aimed at Dr. Burdick, who had very bitter enemies in local city and county politics. The indictment of Burdick by the grand jury in the summer of 1885 on charges of perjury which were never brought to trial is a reflection of the animus that in part lay back of the abolition of the Regents.

But before dismissing the Regents from consideration, we may find some figures taken from the Warrant Book proper for study. From August 3, 1883, to January 1, 1885, warrants were drawn on the general fund⁴⁰ in favor of various Regents and presumably for personal expenses, to a total of \$1,980.11. It was distributed as follows:⁴¹

Cressey	\$1,127.63
Burdick	233.90
Fanning	304.00
Ericson	157.08
Elwell	77.10
Beadle	30.50
Jolley	50.00

Total\$1,980.11

The entries for Fanning were each for \$76, the cost probably of a trip from Jamestown to Vermillion.

³⁷ *Ibid.*, September 3, 1885.

³⁸ *Ibid.*, October 8, 1885.

³⁹ *Volante*, I: 7.

⁴⁰ The source of the "general fund" is not clear. The legislature included no such item. It may have been a surplus from some other funds.

⁴¹ Warrant Book, p. 1 and 12.

For teachers the Regents expended during their incumbency only \$7,223.50,⁴² less than four times their own personal expenses. For incidentals most of the warrants were drawn in favor of individual Regents and instructors. Supplies should have been bought of other parties, and paid for on approval of the proper Regent or instructor. Out of the building fund of \$30,000 Dr. Burdick was the payee for a total of over \$2,500. The warrant book leaves no record of the purpose of each warrant. The Regents seem to have been prodigal of their own expenses in some cases, to have evaded the law in the case of the president's salary, and to have conducted their business in a manner that would hardly be expected of a fairly honest and intelligent rural school board at the present.

At their May meeting the Directors failed to retain President Simonds and Professor Epstein.⁴³ Of course the Dakota Republican, long owned by Dr. Burdick, sharply criticised the Board for letting President Simonds go.⁴⁴ It represented that he had moved his family to Vermillion and invested in property at Vermillion under the impression that his first year was satisfactory and that he was to remain for an extended period, though no official action had been taken to that effect.⁴⁵ The new Board was scored for permitting sectarian prejudice to affect their actions, and attention was called to the fact that Simonds was an Episcopalian, whereas the Board included a Congregational minister and "two deacons in the Congregational Church".⁴⁶ While this controversy was in progress President Simonds died on June 3, 1885. His health had been poor for some time, but the immediate cause of death was heart failure. The Republican later declared that charges of sectarian influence in management had been filed with the Governor against two of the Directors.⁴⁷

⁴² Ibid., p. 2 and 10.

⁴³ Dakota Republican, May 7, 1885.

⁴⁴ Ibid., May 28, 1885.

⁴⁵ W. J. Simons, who was a student in the University over this entire period, assures us that this was the general understanding.

⁴⁶ Dakota Republican, June 4, 1885.

⁴⁷ Ibid., June 25, 1885. Mr. Prentis says that if such charges were filed, they were never brought to his attention.

The merits of the release of President Simonds are difficult of judgment. W. J. Simons says that he appeared aged much beyond his years and quite enfeebled, and is surprised to learn that he was but fifty-six at the time of his death. W. H. Beede, a student at that time, also says that President Simonds appeared quite old. C. E. Prentis has the impression that Simonds was not a good mixer. Reports had been spread about among the students in advance that he would be discontinued. Very likely the Directors thought that a younger and more vigorous man was needed, but it would likewise be straining a point to rest the discharge of Simonds on that ground alone. Other actions of the Directors would lead one to believe that they were the calibre of men, taken as an entire Board and not individually necessarily, who would have discharged Simonds in any case to strike at the preceding administration.

The case of Dr. Epstein brings out conflicting opinions. He had not been on altogether firm ground with the preceding Regents, as two or three incidents mentioned would indicate. W. J. Simons thinks that Dr. Epstein was not fully understood and appreciated by many, and believes that there was a strong feeling among the student body that Dr. Epstein was not treated fairly when another was elevated to the principalship over him in the fall of 1883. Florence B. Conrow, who entered the University in the fall of 1883, gives Dr. Epstein credit for being a wonderful scholar and excellent teacher, but thinks he was hardly the administrative type of person to assume general charge. W. H. Beede, another of his students, believes that Epstein was a better scholar than teacher, and that in his work some lack of system appeared. He says that Dr. Epstein wore a full beard, and had a foreign accent and appearance. When a mischievous youngster scratched his left ear with his right hand over the top of his head, Epstein thundered at him, "Miserable man! Would to God I had some rough words to throw at you!! Get out of the class". Mr. Prentis refers to the fact that Dr. Epstein had some conflicts with other persons. From the story of his life his rugged and positive character is apparent.

Dr. Epstein's own statement, written thirty-five years later, is entitled to be heard. Speaking evidently at first of his failure to be retained as principal for 1883-84, he writes that "sectarian and political chicanery ousted me, as it did a half dozen other men from the same office."⁴⁸ The relations of Epstein and Simonds were agreeable, so far as students could judge, the former stating that he would do all in his power to advance the interests of the school. But the last two years of Dr. Epstein's three-year stay in Vermillion were embittered by financial troubles which came upon him when a source of income from abroad was cut off after he had incurred obligations in connection with the construction of his home. He lays his final discharge to "political and ecclesiastical wolves", and declares that he received with no warning whatever the letter from the administration saying that his services would no longer be required. He insists that no fault had hitherto been found with his work. His discharge has the appearance of being the first of a long series of sudden and unnecessary changes in the University, which at various times have hampered its advance.

Two excerpts from his own pen reveal his character and form a fitting tribute to this pioneer physician-preacher-teacher:

I was teacher at first of all departments and though the work was hard it was delightful for the present already and for the promising near future. On the Christmas of that year the students presented me with a beautifully bound little album and their names remain to this day the most interesting reminiscences to me of all my long and varied life.⁴⁹

On the leaf of this album, which bore the names of twenty-three of his boys and girls, he wrote in part:

There is not one dunce or churl among them all. They are all bright, but merely naturally so and deserve to get that solidifying education, which will make them retain that brightness.⁵⁰

⁴⁸ South Dakota Alumni Quarterly, VII: 70.

⁴⁹ Written at the age of seventy-nine. South Dakota Alumni Quarterly, VII: 72.

⁵⁰ Quoted from a letter of Mrs. Epstein to J. A. Payne, under date of November 22, 1915.

CHAPTER V.

The First Board of Directors, 1885-86

During the spring and summer of 1885 the Directors pushed building operations with all possible speed. They advertised for bids on the dormitory, to be submitted up to June 16.¹ The bids, however, were all rejected, and new plans and specifications were prepared for advertisement.² Out of the \$10,000 for dormitory and waterworks, granted by the legislature, they felt it essential to save something for furnishing the building.³ The contract was finally awarded to Anderson Bros. of Vermillion at \$7,845.⁴ Work was begun on August 5, and the building was occupied shortly after the middle of November.⁵ It was a two-story brick structure, not at all harmonious with the larger classroom building.⁶ In his message of 1887 Governor Pierce said of it: "The dormitory is a monstrosity, illy designed, badly constructed, and entirely out of keeping with the rest of the University buildings."⁷ It was heated by stoves. The critical Dakota Republican soon found that several of the "stove grates" had been melted and been replaced.⁸ Long afterward it was said of this much maligned building that it was "the only public building in the State that has been built completely and strictly within the appropriation first made for its construction".⁹

This dormitory building stood to the west of the main building, and was called "West Hall".⁵ No floor plan of it can be secured, but a photograph of it is in the University Museum. Its size also is unknown, but it was able to accommodate about sixty.¹⁰ It was first spoken of as the "Ladies' Hall" because it was the dormitory for girls. The rooms were furnished with stoves, bedsteads, springs, mattresses, chairs, tables, washstands and wardrobes. The basement was used for a kitchen, dining room and laundry. The

¹ Dakota Republican, May 28, 1885.

² Ibid., June 18, 1885.

³ Ibid., June 25, 1885.

⁴ Ibid., July 2, 1885.

⁵ Dow, p. 74.

⁶ Volante, I: 7.

⁷ Dakota Republican, January 13, 1887.

⁸ February 4, 1886.

⁹ South Dakota Alumni Quarterly, Vol. I, No. 2, p. 10. (July, 1905)

¹⁰ Annual Catalogue for 1885-86, p. 15.

first matron in charge was a Mrs. Jamison.¹¹ Somewhere in the vicinity of the dormitory a cyclone cave was dug for the girls.¹²

A contract was given to Andrew Pickett to finish the two upper floors of the central unit of the main building for \$3,900.¹³ The steam heating equipment for the building was installed in the basement.¹⁴ Dow says the work was reported complete by the Directors on October 1,¹⁵ but the Dakota Republican speaks of the work continuing until about January 1.¹⁵

This central unit, standing on the same ground as the present central unit of University Hall, faced the south, with the main entrance directly under the tower as now.¹⁶ From this entrance a corridor 8'x 50' penetrated northward, until it joined the cross hall running east and west, as at present. Two rooms were found on each side of this main hall corresponding to the rooms used by president and secretary-registrar in recent years. The remainder of the first story comprised the room still used by the Co-operative Store, the companion to it on the east side of the central unit, and the chapel, situated as is the chapel known to recent generations of students. But no gallery was built in the chapel at that time. The second and third stories of the unit were similar in room arrangement to the first story, but of course no room was above the chapel. The ceilings of these upper stories, says W. J. Simons, were rather low till raised in reconstruction after the fire of the early 90's. As soon as the unit was completed, the President removed his office to the southeast room on the first floor, where it remained until September, 1925. The north room of the suite which has constituted the President's office in recent years was first occupied by Miss Knapp. The upper part of the building was used as a men's dormitory and could accommodate twenty-five or thirty.¹⁷ Occupants were compelled to furnish their own rooms entirely.

¹¹ Dakota Republican, November 19, 1885.

¹² Ibid., June 3, 1886.

¹³ Dow, p. 84.

¹⁴ Dakota Republican, December 10, 1885.

¹⁵ Ibid., December 17, 1885.

¹⁶ This description is taken largely from the Dakota Republican, June 18, 1885.

¹⁷ Annual Catalogue for 1885-86, p. 17.

The faculty underwent expansion as well as change. At the meeting of May 5 and 6 the Directors had engaged the following instructors for 1885-86:¹⁸

Garry E. Culver Professor of Natural Science, \$1500

Ella A. Knapp, Professor of English Literature, \$750.

Rev. Jonathan Rowley, Professor of Latin and Greek, \$1500.

Isaac A. Sabin, Professor of Mathematics and Normal Training, \$1500.

Rev. Rowley was a brother of Rev. Joseph Rowley of the Vermillion Baptist Church,¹⁹ and showed his continued interest in religious work by often filling pulpits in Vermillion or elsewhere. To judge from the remarks of his students, he left a favorable and lasting impression. He held the degree of Master of Arts from Allegheny College. Mr. Sabin was a brother of Director Sabin.²⁰ We are without information as to his previous education or experience, but the consensus of opinion is very strongly to the effect that he possessed no proper qualifications for the position.

During the summer the Directors searched for a new president. The post was first offered to Professor H. N. Whitney of Beloit College.²¹ Of his acceptance there is no record, but he did come to Vermillion to look over the field in August.²² Dow says simply that he was unable to accept.²³ From a field of applicants Rev. John R. Herrick then was selected,²⁴ on August 14, at a salary of \$2,000, as had been paid his predecessor.²⁵ He had been reared in a frugal religious home, and taken his training at the University of Vermont, where he finished with high honors. After a brief experience in teaching, he studied theology and became a minister in the Congregational Church in 1852. His experience had been further enriched by subsequent years of

¹⁸ Dow, p. 75. Their salaries are computed from the Warrant Book of the Directors.

¹⁹ Dakota Republican, July 9, 1885.

²⁰ Testimony of W. J. Simons, Charles Runyan, and Florence Conrow. Director Prentiss does not recall the family relationship, but the others are positive of it.

²¹ Dakota Republican, July 23, 1885.

²² Ibid., August 3, 1885.

²³ Dow, p. 76.

²⁴ South Dakota Alumni Quarterly, XV: 83-90 gives a full account of him.

²⁵ Computed from Warrant Book of Directors.

preaching, foreign travel, and college teaching and administration. For one year he held a professorship in theology in Harvard, and for three years he was president of Pacific University, a Congregational school at Forest Grove, Oregon. He was the first president of the University of Dakota to have had previous college administrative experience, and he was renowned for his scholarship and writings in the fields of ethics and education. Further light is shed on his professional standing and ability by invitations extended to him his first year in Vermillion to appear at the educational associations of both North Dakota and South Dakota.²⁶ But if President Simonds was an old man, the new incumbent was older still, for he entered upon his new duties at the age of 63.

The growth of the student body in 1885-86 required the employment of additional teachers after the term began. On September 30, Miss Rella Willoughby was employed for vocal music at \$50 per month.²⁷ From this time on the "University choir" is spoken of in connection with different programs. At the beginning of the winter term Miss Mary Herrick became teacher of German at \$40 per month. Miss Herrick was the daughter of the president, but bore a capable reputation as an instructor. The emergency nature of the call may excuse this appearance of nepotism.

The fall term opened September 15, with an enrollment of over seventy,²⁸ but accretions continued until when it closed shortly before the holidays 122 in all had entered.²⁹ This conveys some conception of the handicaps of irregular attendance under which the institution operated in the early days. It also emphasizes that a very large number of the students came from the farm. There was no law providing free high-school tuition in those days, so country boys and girls were much inclined to seek an education in the University with its lower cost. But fall work delayed their arrival to a point where it must have interfered with good school work. The final word of the Catalogue for 1885-86 was an

²⁶ Dakota Republican, May 27 and July 1, 1886.

²⁷ Dow, p. 75, and Warrant Book.

²⁸ Dakota Republican, September 17, 1885. Dow, p. 78, reports 81 the first week.

²⁹ Dakota Republican, December 21, 1885.

exhortation to all "to be present promptly and continuously at all the exercises of the school." Furthermore, the carelessness of some brought in a regulation that eight unexcused absences in a term carried presidential reproof, and sixteen meant suspension.

The University had always given entrance examinations at the opening of each term, we can feel certain, but this year the reception of entering groups from high schools was definitely anticipated at other times than in the fall.³⁰ But the entry of new students at all terms and at various times within the terms resulted in numerous irregularities, and a great proportion of students presented a problem in classification. The easiest method to follow with irregulars was to consider them as "Unclassified", since in a day when student activities were less numerous the advantages of classification were less obvious. So at the close of the year the register showed over two-thirds of the students still unclassified.

With the opening of the dormitory and the dining hall, where some of the young men also took their meals, the students began to have more life in common. Since they were brought more together, it was more natural and more necessary to multiply regulations.³¹ The articles with which rooms were to be furnished by the students were enumerated at length, even to napkins and a napkin ring. Hours for rising, retiring, and study were established. A bell was placed in the tower of the central unit of the main building, and rung for the first time on December 1, 1885.³² The rising bell, sounded at six in the morning, was at first sometimes mistaken by citizens for a fire alarm.³³ The retiring bell rang at ten in the evening.³⁴ During the day students were required to be in recitations, their rooms, or other known places for study between 9:00 and 12:00 a. m., and 1:30 and 3:30 p. m. The evening study period ran from seven to nine o'clock, except in the spring when it began at 7:30. Thus the conditions for good preparation were greatly promoted.

³⁰ Dakota Republican, April 8, 1886.

³¹ See Annual Catalogue for 1885-86.

³² Volante, I: 7.

³³ Dakota Republican, January 14, 1886.

³⁴ Ibid., April 22, 1886.

From Friday evening until Monday morning students were allowed to govern their study hours to suit themselves, but the dormitories were not open to visitors on Sunday.

Good care of University property was insisted upon. At this time the use of tobacco in or about "the building" was prohibited. The assumption is that both the dormitory and the main building were meant. For the association of young men and women at the dormitory a reception room was furnished. For the benefit of the men a warning was sounded against delay in going to or returning from meals. For the girls there was a warning against going out alone in the evening, and when they did go out with others, report on both going and returning was necessary. Students were recommended to avail themselves of religious services on Sundays and during the week, but no requirements were longer maintained as to church attendance.

The catalogue now began to mention examinations as a compulsory feature of the close of each term. These consumed about three days.³⁵ The results were to be entered in a ledger, and the questions to be placed on file for future reference. The passing grade was lowered to 65, but no statement was made as to what weight comparatively was given daily work and examinations. With the small teaching force of the previous year, some classes had been unwieldy. Even in Professor Culver's large room, W. J. Simons says that at times not all could find places at the board. The standard set in 1885-86 was a maximum class of twenty-five, with no recitation section over thirty except by faculty approval.

The expenses of attending the University were very moderate. The tuition was free to Dakotans, as required by law, and "nominal" to non-residents.³⁶ No statement is found concerning an admission or matriculation fee. No laboratory fees are mentioned. Board at the dormitory was \$2 or \$2.25 per week. No rent was charged either men or women, but the former were asked to take their meals at the dining hall and to pay \$6 per year for steam heat in their rooms. That

³⁵ Ibid., March 18, 1886.

³⁶ What "nominal" meant, the catalogue did not explain.

the dormitories were not crowded is shown by the report of only twenty-three boarders at the dining hall in April, 1886.³⁷ This may be accounted for by the late completion of the dormitories in the fall; most students had already become agreeably situated outside. Whether the girls paid extra for their fuel is not known. It was possible to live somewhat cheaper in the dormitories than in private families.

The reading room of earlier years was continued for the men in the upper story of the west wing, and another was opened for the women in West Hall. The only educational fee was fifty cents each term for library improvement. Fines for talking in the library showed a desire for better administration.³⁸ In the course of the year about five hundred books were added to the library, showing that the legislative appropriation of \$1,000 was finding a ready use. New electrical and chemical apparatus came in during the fall.³⁹

Public "rhetoricals" were held sometimes every two weeks, at other times every four weeks after they were well initiated in the fall.⁴⁰ These exercises were similar to the Friday afternoon "literary programs" conducted then and for a long time afterward in many public high schools. They gave the student some useful experience in appearing before larger groups than his classes and in meeting the exactions of a general audience. The Jasperians closed the winter term with a mock trial for assault and battery, which attracted much attention. There was probably no Christian organization of the students, nor any student publication. The Yankton College Student observed the lack of both, and commented upon it.⁴¹ A Phi Kappa Society was organized in the winter term,⁴² but it was evidently a mushroom affair. It is not mentioned in the catalogue, nor recalled by several of the students of that time. Its transitory existence is related here, because it is the first appearance of Greek letters in University organizations.

This year was the first to bring out any interest in physical education or athletics. The gymnasium in the

³⁷ Dakota Republican, April 22, 1886.

³⁸ Ibid., March 18, 1886.

³⁹ Ibid., November 19, 1885.

⁴⁰ Dakota Republican, November 12 and 26, 1885, and January 21, 1886.

⁴¹ Dakota Republican, March 11, 1886.

⁴² Ibid., February 4, 1886.

basement of the central unit was a popular place for the boys and some of the faculty during the winter evenings.⁴² In the spring following, outdoor athletics took a beginning. A baseball game was played on May 8 between the University and the Vermillion town team, the town winning by a score of 12 to 11.⁴³ Possibly this served as a means for selecting the artists for the two games which followed.

On May 29 the University baseball team played Yankton College at Yankton.⁴⁴ There were some unpleasant features to the game according to both the Yankton Telegram and the Dakota Republican, but particulars are lacking. The visitors were defeated by an unrecorded score. Names of the participants have not been preserved. The return game at Vermillion on June 5 was umpired by a Mr. Monroe of Yankton to the full satisfaction of all Vermillion people.⁴⁵ The score was 12 to 8 in favor of the home team. Some idea of the eligibility regulations of that day may be gained from an examination of the catalogue, for it appears that only two of the nine players, Pratt and Whittacher (Whitaker?) were registered in the University that year.

Governor Pierce and some other territorial officers inspected the University in May.⁴⁶ The Governor, Auditor Caldwell, and General Dennis spoke to the assembled students. From the report of the Governor's address relative to the highly impractical character of college instruction and college-educated persons, it would be presumptuous to conclude that he regarded a college as much of an asset to a commonwealth.

The position of Governor Pierce might have been governed partly by a tendency which Professor Dow declares at this time began to characterize the conduct of the University.⁴⁷ He feels that under the administration of President Herrick the University began to divorce itself from the public-school system. The preparatory department, he feels, was set upon a basis unattainable by any reasonable proportion of high-school students of the Territory, thus practi-

⁴² Ibid., February 4, 1886.

⁴³ Ibid., May 13, 1886.

⁴⁴ Ibid., June 3, 1886.

⁴⁵ Dakota Republican, June 10, 1886.

⁴⁶ Ibid., May 20, 1886.

⁴⁷ Dow, p. 80-84.

cally stopping the reception of college students from the public high schools. Great credit is given President Herrick for the more complete organization along departmental lines, which he began in 1885-86 and continued in his second year.

The only public exercise connected with commencement this year was the Sunday evening address by President Herrick in the chapel of the central unit.⁴⁸ Music was under the direction of Miss Willoughby, and the ministry of all churches cooperated. The address was an answer to the question, "Why does the state educate?" The speaker plead for the religious element as basic in education, and inferred that without it the state could in the long run expect only to perish. From references made, it was a very scholarly as well as effective oratorical effort. With his high ideals of college standards, President Herrick no doubt felt a commencement would be out of order until some of his college students had become more advanced.

The attendance for the year reached a grand total of 195, an increase of nearly a half over the preceding year. The registration digested by course, residence, and sex, ran as follows. As in a previous chapter, it may be said again that with postoffice addresses only, it is hard to locate a student's exact residence, since many of the old postoffices have now become defunct.

Enrollment by Courses, 1885-86

	Men	Women	Total
Freshmen:			
Classical Course	3		3
Literary Course		6	6
Science Course	3		3
	6	6	12
Preparatory:			
Second Year	12		12
First Year	10	9	19
	22	9	31

⁴⁸ Dakota Republican, June 17, 1886.

Normal:

First Year	13	13	
Unclassified	80	59	139
	108	87	195

Enrollment by Place of Residence, 1885-86

Clay County	76	63	139
Union County	12	10	22
Yankton County		3	3
Lincoln County	2	1	3
McCook County	2	1	3
Beadle County	2		2
Bon Homme County	1		1
Hand County	1		1
Moody County	1		1
Nebraska	2	2	4
Iowa	2	1	3
(Scattering and uncertain)	7	6	13
	108	87	195

This year brought the first college class, one of twelve freshmen, whose classification by courses seemed to be a matter of sex choice. The women gained in number on the men. The students came from a widened territory, but the per cent of students from Clay County is about stationary. The Dakota Republican chides a contemporary for speaking of "Vermillion University".⁴⁹

The Vermillion authorities were on the alert to enforce the new prohibition law, which took effect July 1, 1885. The first arrest, made shortly after, was that of T. W. Hopkins, on complaint of County Superintendent E. F. Peterson, who testified that he had purchased a bottle of beer at Mr. Hopkins' place of business.⁵⁰ The defendant produced licenses which had not yet been revoked by either city or county, and the suit was dismissed. The Dakota Republican six months later contained the following:⁵¹

⁴⁹ Dakota Republican, May 27, 1886.

⁵⁰ Ibid., July 9, 1885.

⁵¹ Ibid., February 4, 1886.

There is more whiskey drunk in this town than ever before, and yet none is sold within three miles of the front door of the University. So much for the legislature and the middlemen.

The Republican was so out of temper that it was unable to say a good word for anything the preceding legislature had done concerning the University. Its criticisms also reflected the objections of an element who felt that prohibition infringed their personal liberty.⁵² Students of that time say that cases of intoxication were unusual among the student body, which of course was the group which the law was intended to protect and benefit.

CHAPTER VI.

The First Board of Directors, 1886-87

A respectable catalogue was issued in July, 1886.¹ It was printed by Perkins Bros. Co. of Sioux City, and in appearance and arrangement it was quite satisfactory. Of course the Republican complained that it was not printed by a territorial paper; it alleged that bids were not even solicited in the Territory.

The courses herein laid out by President Herrick began to operate more regularly his second year. The preparatory division consisted of three courses, each three years in length. They were the classical, literary, and scientific. The first year they were identical. The second year the classical diverged from the other two, but the literary and scientific were alike, and half of their work was common to the classical. In the third year the literary and scientific also diverged slightly, having two studies not in common. All courses contained a liberal amount of Latin, but only the classical contained Greek. The modern language operating as an alternative was German. The arrangement was much simpler than under President Simonds, but not necessarily as well adapted to the needs of the students.

These three preparatory courses, we presume, served as means of fitting for the three college courses of four years

⁵² Dow, p. 77.

¹ Dakota Republican, July 22, 1886.

each: the classical, containing Latin, Greek, and some French; the literary, containing German, French, and some Latin; and the scientific, containing the same three languages, but to a less degree. Studies in English and rhetoric featured the literary course; studies in mathematics and science, the scientific course. All, however, included some mathematics, and a measure of science. History, government and philosophy,—the social science element,—came principally in the fourth year, and all three courses were uniform there or nearly so. In other words, the University was definitely developing a college of arts and sciences, though the name had not yet been assigned it.

The normal course now was shortened from four years to two. Two terms of the first year were the same as of other preparatory courses, but then the emphasis shifted. Language and history disappeared, but practical subjects, like bookkeeping and those taught in the common school, became prominent. The professional work covered only one subject for one term. Three subjects was the standard load for all students in all courses, preparatory and collegiate.

All of the faculty of 1885-86 were retained for 1886-87, except Miss Herrick.² Dow says that all the faculty were re-elected at the same salaries, and that Sheldon W. Vance was added as professor of modern languages and elocution.³ The writer believes that in those days there was surely not over one instructor in that field, and that Miss Herrick must have served only in 1885-86, and been succeeded by Professor Vance. Miss Herrick received no warrants in 1886-87 according to the Warrant Book. Vance was paid \$1500, the same as the other men. While Miss Knapp was retained at \$750, the same salary as before, Dow is wrong with reference to Miss Willoughby, who was raised from \$50 per month to \$600 for the year. The plan of paying in ten installments was in vogue.⁴

Another faculty change occurred, of which little record is found. Professor A. E. Goldthwait entered on his duties as professor of higher mathematics in April, 1887, and taught

² Dakota Republican, May 6, 1886.

³ Dow, p. 85.

⁴ Warrant Book.

with preeminent success for the remainder of the term,⁵ receiving a salary in all of \$375.⁴ He was really an appointee of the new Board, which took office in the spring of 1887. Neither Mr. Simons nor Miss Conrow has any recollection of him. His period as instructor could not have been much over two months. All that is said of him is that he had the distinction of having held the first teachers institute to occur in Dakota Territory.⁶

A lack of harmony existed in the faculty, according to comments by two papers copied by the *Dakota Republican*.⁷ Some of the instructors were accused of having written letters derogatory to the ability and integrity of their colleagues. The faculty were able to cooperate sufficiently during the winter to arrange a free lecture course by outside talent for the benefit of the general public.⁸ The speakers, their dates, and subjects were as follows:⁹

President Ward, Yankton College, January 5, "Words and Their Uses".

Rev. Darling, Sioux City, January 17, "Personal Recollection of Sherman's March to the Sea."

Rev. F. D. Rickerson, Sioux City, February 15, "Character Building".

Gen. W. H. H. Beadle, Yankton, March 8, "Evolution of Liberty".

All these lectures were given in the City Hall, possibly for the greater convenience of the citizens of Vermillion. The campus at that time was considered a long distance from the residence section.

The winter brought little excitement. Rhetoricals went on as before. The dormitory girls set up an agitation for a new reception room well furnished.¹⁰ Arbor Day passed without official notice by the University, as it had the previous year.¹¹ Many trees had been killed by the severe winter of 1884-85.¹² A few students voluntarily set out about

⁵ Dow, p. 86.

⁶ *Dakota Republican*, April 28, 1887.

⁷ September 30, 1886.

⁸ *Dakota Republican*, December 30, 1886.

⁹ *Ibid.*, January 13, February 10, and March 3, 1887.

¹⁰ *Ibid.*, April 21, 1887.

¹¹ *Ibid.*, April 29, 1886.

¹² *Ibid.*, April 16, 1885.

fifty trees on Arbor Day in 1886, but the campus on the whole underwent no improvement in 1885-87. Professor Vance gave a public reading on May 27.¹³ The botany classes made excursions to the little settlement of Richland a few miles east, and across to Nebraska,¹⁴ under the direction no doubt of the live and popular Professor Culver. In athletics the boys played two games of baseball against Saginaw, and won both.¹⁵ These were played after the close of school in the spring and have a doubtful right to consideration as college athletics. President Herrick seems to have done much to elevate standards, but he was more of a scholastic than a dynamic character. He did not make any profound impression on the student body, and the motive force for student activity largely had to be supplied by Culver and Rowley. Sometime during the year the Euphemian Association came to an end for reasons unassigned; maybe the new reception room was too strong a competitor for attention. At any rate it lasted the longest of any of the early societies for women.¹⁶

The sensation of the winter was the first intercollegiate debate in the history of the institution.¹⁷ It came as the concluding number of the Jasperian program one evening. The opponents of the Jasperians were the "Y. C. L. S. of Yankton College". The subject for discussion was "Should the jury system as it now exists be abolished?" Messrs. Cooley and Hall of Yankton College had the affirmative, while Carl Gunderson and W. J. Simons defended the negative. D. M. Inman, H. J. Austin, and Eli Dawson, all of Vermillion, were the judges. The decision favored the negative 2 to 1. Mr. Simons says that Yankton chose Mr. Inman, the Jasperians chose Mr. Austin, and the two judges then settled on Mr. Dawson as the third. In the decision it is understood that Mr. Inman's vote favored Yankton, while the other two conceded the advantage to Dakota University.

It is not surprising that under the circumstances some dissatisfaction was expressed by the losers, and a courteous note then was sent them by the winners offering another

¹³ Ibid., May 26, 1887.

¹⁴ Ibid., June 2 and 9, 1887.

¹⁵ Dakota Republican, June 23 and 30, 1887.

¹⁶ South Dakota Alumni Quarterly, Vol. I, No. 1, p. 5.

¹⁷ Dakota Republican, February 10, 1887.

meeting if desired.¹⁸ Nevertheless, the Yankton Student in questioning some claim of forensic championship which had been made for the University of Dakota by the Stylus of "Sioux Falls University",¹⁹ intimated that Dakota was unwilling to debate another of the societies at Yankton.²⁰

The other large interest of the year was the biennial legislature, that shadow of destruction or hope of life, as the case may be, for institutions which have to live almost solely by occasional appropriations and enjoy no millage. Before the legislature convened both the Press and Dakotian and the Dakota Republican were agitating a return to the former system of regents,²¹ but their wish was not fulfilled. Secretary Jolley held a conference at Canton in late December with members-elect from the First District on University matters.²²

The effort of two years earlier to dissipate support of higher institutions was repeated, and a bill to establish a university at Ordway (or Aberdeen) and to appropriate \$50,000 for the same was passed, but fortunately vetoed by the new Governor.²³ The balance of power in this legislature shifted again toward the south, with respect to both bond issues and current appropriations for the two universities.²⁴ Dow refers indefinitely to opposition to appropriations,²⁵ but we find no evidence to substantiate his statement. The University of Dakota received a bond issue of \$30,000 for the construction of a men's dormitory and an east wing of the main building. Fifteen thousand was appropriated for the east wing, \$10,000 for the dormitory, and \$5,000 for heating, plumbing, and sewerage. The issue was for a maximum of twenty years, and at interest of five per cent. Appropriations from current funds were itemized in this manner:

Maintenance:

Salary of president	\$ 5,000
Salary of teachers and professors	18,000

¹⁸ Ibid., February 17, 1887.

¹⁹ Doubtless this meant Sioux Falls College.

²⁰ Dakota Republican, March 24, 1887.

²¹ Ibid., November 25 and December 16, 1886.

²² Ibid., December 23, 1886.

²³ Dakota Republican, February 24 and March 17, 1887.

²⁴ Session Laws of 1887, General Laws, Chapters 163-67 inclusive.

²⁵ Dow, p. 86-87.

Salary of secretary	1,000
Lights and fuel	5,000
Janitor and engineer	1,200
Library	1,000
Apparatus	3,000
Incidental expenses	1,000
Heating and furnishing east wing	1,000

 36,200

Buildings and improvements:

Furnishing east wing	1,000
Improving grounds	2,000
Heating apparatus in dormitories	4,000

 7,000

 Total \$43,200

The total credits voted to the University were about a half greater than during the preceding biennium, thus setting the stage for a great forward movement.

The new Board of Directors was appointed in March by the Governor,²⁶ and it was soon rumored that marked changes would be inaugurated by it.²⁷ The names and addresses of the members follow:

Darwin M. Inman, Vermillion
 Halvor E. Hanson, Vermillion
 Judson V. Conklin, Lennox
 Joseph C. Ryan, White Lake
 Henry H. Blair, Elk Point

The new Board met April 6, with Director Ryan absent, but did nothing more than to survey the building situation.²⁸ On the 13th they organized by selecting Inman as chairman, and making Inman, Hanson, and Blair an executive committee.²⁹ Hanson and Blair were the two Republican members of the Board, so no disposition to play politics was apparent. These three men lived closest to the University and could meet with least trouble and expense. Eli B. Dawson,

²⁶ Dakota Republican, March 3, 1887.

²⁷ Ibid., March 31, 1887.

²⁸ Ibid., April 7, 1887.

²⁹ Ibid., April 14, 1887.

mentioned in connection with the Yankton College debate, was chosen secretary at \$500 per year, which was the limit placed by the legislature. His general reputation for industry and seriousness was not very high, and the Dakota Republican remarked that his choice occasioned surprise.³⁰ The Board did its best for appearances, by placing his name in the next catalogue with "Hon." as a prefix.

A month later the Directors met again, and advertised for bids on the two structures authorized, to close June 16.³¹ Plans and specifications were drawn by Architect W. L. Dow, then of Sioux Falls.³² They held two more meetings on May 27 and June 9,³³ and at the latter meeting located the "boys' dormitory".³⁴ Bids for an artesian well were also asked.³⁵ In June a contract was let for the east wing and the dormitory to R. H. Booth of Sioux Falls, for \$32,789, including heating equipment.³⁶ December 1 was set as the date of completion. An artesian contract was let to Karr & Richey of Yankton for six hundred feet at \$4 per foot. This well went down north of the main building, on the site of the present well. This Board showed considerable interest and energy in getting its projects under way. So intent was it on material matters that it almost forgot the poor faculty, who received their last three warrants for the year June 2, 8, and 11.³⁷

The year closed with suitable exercises at the University.³⁸ On the evening of June 14 Rev. Glass of Sioux City delivered an address on "The Dignity of Man", and on the next evening the sophomore class, the most advanced then in the University, gave a program. Both exercises were held in the City Hall. At the conclusion of Rev. Glass' address certificates were given to six women and two men for com-

³⁰ Dakota Republican, April 14, 1887.

³¹ Ibid., May 12, 1887.

³² Dow, p. 89-90.

³³ Dakota Republican, May 26 and June 9, 1887.

³⁴ It was never used as such, but was occupied by the girls from the beginning. Dow, p. 89.

³⁵ This had been agitated a year before, and the old Board had asked Mr. Prentiss to investigate the matter. (Dakota Republican, June 17 and July 29, 1866). The Republican thought the well might be made a source of revenue by selling surplus water to some factory. Artesian pressure then was stronger in Dakota, and "gushers" were common.

³⁶ Dakota Republican, June 16, 1887. Dow says (p. 90) that it was \$33,339, including plumbing and sewerage.

³⁷ Warrant Book.

³⁸ Dakota Republican, June 16, 1887.

pletion of the normal course.³⁹ The sophomore program consisted of essays and orations by five young men and four young women, appearing in alphabetical order. Complaint was made by the local editor that all of the young ladies except one failed to make their voices heard. The program of the sophomores is given as follows:

Oration: "The Labor Question" - - William Blanchard

Essay: "Woman in the Eighteenth Century and in the
Nineteenth" - - - - - Katie Duell

Essay: "Mecca" - - - - - H. LaVerne Fauss

Oration: "The True Purpose and Real Success" - -
- - - - - Frank E. Rowley

Oration: "A Love of Learning Essential to the Scholar"
- - - - - Wm. J. Simons

Oration: "Free Trade" - - - - Charles E. Stickney

Essay: "What Shall I Study?" - - - Agnes L. True

Oration: "Historical Pivots" - - - Clarence E. Weed

Essay: "The Phoenician Sailor" - - Bertha M. White

The catalogue for this year showed an enrollment of 193, all classified. While the attendance was no larger than the year before, the group was by classification shown to be more advanced. The following figures are taken directly or derived from the catalogue.

Enrollment by Courses, 1886-87

	Men	Women	Total
Sophomores:			
Classical Course	3		3
Literary Course		5	5
Scientific Course	3		3
	6	5	11
Freshmen:			
Classical Course	1		1
Scientific Course		1	1
	1	1	2

³⁹ The Volante, I: 7; gives the total as nine instead of eight.

Preparatory:

Third year	10		10
Second year	16	10	26
First year	58	44	102
	84	54	138

Normal:

Second year	3	9	12
First year	1	29	30
	4	38	42

Grand total	95	98	193
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Enrollment by Place of Residence, 1886-87

	Men	Women	Total
Clay County	66	67	133
Union County	9	7	16
Yankton County	4	4	8
McCook County	3	2	5
Turner County	2	2	4
Lincoln County	2	1	3
Beadle County	1		1
Lake County	1		1
Moody County	1		1
Minnehaha County		1	1
Iowa		4	4
Nebraska	1	2	3
Wisconsin	1	2	3
Kansas		1	1
(Uncertain)	4	5	9
	95	98	193

The women for the first time exceeded the men, their favor running to the normal department. The normal department drew from the widest range of territory, nearly a half of its enrollment coming from outside of Clay County. More parts of Dakota and more outside states were repre-

sented than in the past. On the whole, while the University had not increased in size, it had grown in quality and renown.

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1889 were "too recent and some of them too much involved in misunderstanding" to warrant the publication of the remainder of the manuscript.)

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INDIAN LAND POLICY SINCE 1887 WITH SPECIAL REFERENCE TO SOUTH DAKOTA*

By Marian Hopkins Sweeney

CHAPTER I.

Historical Background.

The Indian question begins with the colonization of America, for the first settlers found the aborigines here. The early relations between the two races varied from friendship and mutual helpfulness to that of the most relentless warfare, in which the whites, as well as the Indians, fighting for their very life, committed every conceivable atrocity. With the growing numbers and increasing power of the whites and the decreasing danger from the Indians, there came a change of attitude; for many began to feel that the Indians had not been treated fairly. The Indians, however, were still a source of very real danger to the people on the frontier, and there are people still living who saw some of the uprisings which were filled with instances of horrible cruelty. It can not be wondered that these outrages helped to keep alive a very keen sense of animosity. However there grew up also a sense of the injustice which had been done the Indian and a kinder attitude succeeded. Undoubtedly, too, the fact that the Indians were being pushed to the west and were not so much in evidence helped in this change, which was not so much felt by the pioneers who were brought in contact with the Indians.

In early times the Indians were regarded as independent nations and the colonial governments made treaties with them as such. This practice was continued by the National Government and there are now about 370 treaties with the Indians on the federal statute books. However in 1871 an act was passed by Congress which provides that no more treaties should be made with the Indians. This act further provides, "Nothing herein contained shall be construed to

* A thesis submitted to the faculty of the College of Arts and Sciences in candidacy for the degree of Master of Arts. Department of History and Political Science, University of South Dakota, May 31, 1924.

invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any nation or tribe.”¹ The reason for this law is that it is inconsistent for the government to treat a group of people within its territories as independent. Since 1871, therefore, questions involving the Indians have been dealt with by enactments of Congress.

Since then in 1903, the Supreme Court has handed down a decision in what is known as the Lone Wolf case. This decision declares that a treaty with the Indians is of no greater force or effect than an act of Congress. “The power to abrogate the provisions of an Indian treaty exists, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so.”²

Beginning in 1786, the Indians were placed on reservations more or less under government control.³ At first the control was limited to superintending the trade between the Indians and licensed traders, but gradually the control was extended until the Indians on the reservations were entirely under the agents who were appointed by the Government. Being so far from Washington and other centers of population, there arose a condition of affairs which certainly needed reform. The following quotation hints at conditions and describes some of the reforms made:

“Before this time (1872) the Indian management in its dealings with the Indians had acquired a reputation not at all to be desired. Extravagance, deception, extortion, cruelty and all sorts of crime were here and there imputed and charged up by the public press and writers of books against Indian agents and employees. Such was the case when Grant became president. He placed at the head of the (Indian) bureau, a full-blooded Indian, General Parker, * * * He next asked the representative societies of the land to correspond with the bureau and recommend new agents and other employees. Many were reserved to the

¹ Meritt, E. B.: *The American Indian: Bulletin* 12 (1922): 2.

² *Ibid.*, 3.

³ *Indian Reservations: Bulletin* 24 (1923): 1.

Roman Catholics, * * * Methodists, * * * Episcopalians, * * Presbyterians, Baptists, Lutherans and other denominations. This arrangement was called 'Grant's Indian Policy'. A little later it was termed 'Grant's Peace Policy'. It was not long before a peace, nominal at least, was effected with nearly all of the Indians throughout the country. "⁴

This policy has been greatly praised and seems to mark a dividing line between two periods, although the material on the subject shows a diversity of opinion as to the actual amount of change accomplished by it or under its operations. However it made a strong impression on the popular mind and seems indeed the outstanding feature of the Government's dealings with the Indians up to the Dawes Act of 1887.

CHAPTER II.

Machinery.

The Government deals with the Indians through the Bureau of Indian Affairs which was created in 1824 and placed under the Department of War. In 1849, when the Department of the Interior was created, the Bureau of Indian Affairs was placed there where it has since remained. Consequently the Secretary of the Interior has control, but under him is the Commissioner of Indian Affairs who has immediate charge of the Bureau of Indian Affairs.¹ The present Commissioner is Charles H. Burke of South Dakota.

Since this position does not come under the classified Civil Service, the incumbent changes with the administration and sometimes oftener. As a consequence, the average term of office was at one time as brief as two years which is entirely too short for carrying out a definite policy covering a period of years. There have been some Commissioners who have left a stronger impression than others. Two Commissioners who might be named as playing a prominent part in the working out of the government policies, are F. E. Leupp, Commissioner under Roosevelt from 1905 to 1909, and Cato Sells who held the position under Wilson

⁴ Howard, O. O.: My Life, 120-121.

¹ Meritt, E. B.: 1.

from 1913-1921. The latter inaugurated and carried out a very liberal policy with regard to allotments.

Under the Indian Bureau is the Indian Service which consists of the office force in Washington (nearly 200 employees in 1910) and the field. The latter are the employees stationed on the Indian Reservations. The agent or superintendent is the one who has general supervision of the reservation and carries out the policies of the government. He is the connecting link between the government at Washington and the Indians. Upon his character and personality depended the welfare of the red men on his particular reservation, very greatly in the past, and to a considerable degree today. Indian agents have been criticized more severely than the majority of government employees, and apparently there was much reason for it. Leupp in his book, "The Indian and His Problem," tells of a man who had just been appointed Indian Agent and who very proudly exhibited his card with his position printed on it. However the attitude people took toward him as a result made him conceal his occupation. This illustrates a very common attitude.

The power of the Indian agent is considerable on his reservation and his duties are varied and exacting. Under the agent is a group of assistants whose duties are largely of a clerical nature. The task of conducting the business of a group of people from 300 to over 7000 in number is necessarily a burdensome one and one that requires a number of assistants. The agent maintains an office to which the Indians come for advice, help or money and the office is usually a very busy place.

Reference has been made to the charges of corruption of officials in the Indian service. There were a number of reasons for the condition which existed. The fact that these men were political appointees and their positions depended upon influence rather than upon ability and integrity helps to explain the situation in part. Then, too, they were at such a distance from Washington that the truth was seldom learned by those high in authority. Reservations were lonely places and formed little worlds in themselves. The

writer remembers very vividly the accounts told years ago by a former matron on an Indian Reservation. At the time this woman was working on the reservation, conditions were very bad. Since then there has been a radical change, gradual in its operations but thorough nevertheless. Then if a man started out with the idea of being honest, he saw so much dishonesty that it required a stronger character than most of them had to remain honest. In the end this matron had to go to Washington to keep from being discharged because of the enmity she had incurred by her criticisms. When she submitted an article to a magazine describing conditions, they told her they could not publish it without the best of evidence proving the truth of her statements. Otherwise they would lay themselves open to a charge of libel. As she could offer nothing but her unsupported word, they dared not take the risk. The dishonest officials had seen to it that she had no written proof. There is very little specific evidence along these lines for such reasons as those given above. However the literature of the times cannot be read without meeting many references to the general condition which prevailed.

Many men were interested in the Indians from a philanthropic point of view and many criticisms were made of the Government's actions towards the Indians. As a result, a body called the "Board of Indian Commissioners" was created by Congress in 1869. This is "a body of unpaid citizens, appointed by the President, who maintain an office in Washington, for the expenses of which and of travel Congress appropriates. The board is not a bureau or division of any department, but is kept reasonably independent and afforded opportunities for investigation in order that it may freely express an intelligent and impartial opinion concerning Indian legislation and administration. Its legal duties are to visit and inspect branches of the Indian Service, to co-operate with the Commissioner of Indian Affairs in the purchase and inspection of Indian supplies and to report to the Secretary of the Interior, to whom and to the President the board acts in an advisory capacity."² They

² Report of Board of Indian Commissioners for 1911-1912: 18.

are supposed to be eminent philanthropists and the personnel has been notable for the high type of men who have served.

The effort of the Board of Indian Commissioners has been to improve the Indian service and to help the Indians in every way possible. The result of their efforts, of other friends of the Indians and of public opinion has been to improve the Indian service so that the situation now is very different from that described. The extension of the Civil Service reform to many of the Indian employees, including bonded superintendents of the Indian Schools, has had a very beneficial effect on the type of employees and their conduct in office.

Because of an unfortunate similarity of names, there is apt to be some confusion between the Commissioner of Indian Affairs and the Board of Indian Commissioners. The Commissioner is a government official who has charge of the Government's relations with the Indians in their home, the reservation. The Board of Indian Commissioners consists of men who accept this position as more or less honorary, with no salary and with duties which take only a small portion of their time. They are much freer in their actions and are more or less a check on the government officials. In most cases, however, they work in apparent harmony with the Commissioner and have praised very highly the work of a number of the Commissioners.

CHAPTER III

Reservations in South Dakota

With the westward movement of the whites there was a corresponding westward movement of the Indians, for the Indians were pushed to the West to make room for the whites. However with the discovery of gold in California and the consequent rush there by land as by sea, there came a different situation and the whites were going through the Indians' country instead of pushing them before a victorious advance. After the Civil War the Union Pacific Railroad was to be completed from Omaha to meet the Central Pacific which was being built from the California end. Great

difficulties and dangers were experienced because of the Indians of the plains who did not wish to have a railroad through their country and who did everything in their power to prevent its construction. The memories of the Indian uprisings during the Civil War were only too vivid in the minds of the Westerners and there were so-called Indian Wars following the end of the Civil War. Paxson says that warfare had become systematic and widely spread, and that for nearly five years there were only intervals of truce or professed truce.¹

The massacres and Indian troubles during the Civil War, the loss of life which accompanied the renewed immigration to the West, and the building of the railroad were all factors which made it necessary to make some arrangements with the Indians of the plains to secure an open way to the west for both the railroad and the immigrants. Consequently, in 1867 the Peace Commission was appointed consisting of four civilians, including the Commissioner of Indian Affairs, and three generals of the army. They "were to deal with the hostile tribes with three chief objects in view: to remove the existing causes of complaint, to secure the safety of the various continental railways and the overland routes, and to work out some means for promoting Indian civilization without impeding the advance of the United States. To this last end they were to hunt for permanent homes for the tribes, which were to be off the lines of all railways * * * . The Peace Commission * * * sat for fifteen months."² In that time they visited the tribes that were causing the trouble and made arrangements by which they accomplished the ends for which they had been appointed.

The Commission recommended that the Indians be placed on two reservations to the north and south of the railroad respectively. The new southern reservation was to be Indian Territory and the northern one was to be north of Nebraska in what is now South Dakota. The outcome was the Fort Laramie treaty of April 29, 1868 by which the

¹ Paxson, F. L., *The Last American Frontier*: 244.

² Paxson, F. L.: 289.

Sioux were to have as their permanent home the district west of the Missouri River in South Dakota.³ Later after the discovery of gold in the Black Hills, another treaty was concluded with the Sioux in 1876 by which the Black Hills country was ceded to the United States.⁴ The country which the Sioux had was known as the Great Sioux Reservation and comprised most of the region west of the Missouri River in the present state of South Dakota.

It was not until 1888 that the further need of land by the whites brought about another reduction of the Indians' land. The act passed in 1888 provided for dividing "a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder."⁵ There was some difficulty in getting the consent of the Sioux, but this was finally accomplished and the law was approved by Congress April 30, 1888.⁶ This law provided for the setting off of five separate reservations from the former Great Sioux Reservation, four of which were entirely within South Dakota and the fifth was partially so, though as the agency is in North Dakota, it is listed among the North Dakota reservations. The Indians were to keep approximately half of the land and to sell the other half to the United States. The latter half was then to be thrown open to homesteaders.

The treaty⁷ provided for the following compensations to the Sioux:

(a) Extension for 20 years of the educational advantages of the treaty of 1868, whereby a school and teacher were promised for every thirty children of school age who would attend school.

(b) Thirty new buildings for day schools.

(c) Not exceeding 26,000 head of cattle.

(d) For each family who would take an allotment, two milk cows, a pair of oxen with yoke and chain (later changed to a team of horses), one wagon, one harrow, hoe, ax, pitch-

³ Paxson, 294.

⁴ *Ibid.*, 363.

⁵ Report of Commissioner of Indian Affairs for 1888: LXXIII.

⁶ *Ibid.*, LXXIII.

⁷ This law is referred to as a treaty but see above page.

fork, \$20 cash, and seed for two years sufficient for five acres.

(e) \$1,000,000 of which not more than 10 per cent could be expended for or paid to the Sioux in any one year. Interest was to be paid at the rate of 5 per cent.

(f) Any money that might remain from the proceeds of the sales of the ceded land after all expenses were taken out, including the \$1,000,000.⁸

Since 1888 there has been additional land ceded to the Government and opened under the Homestead Act. The former extent of these reservations and their present status are shown on maps published in reports of the Commissioner of Indian Affairs. Similar information is given with regard to the reservations east of the Missouri River but as these were not a part of the Great Sioux Reservation the Indians from them do not share in the benefits of the foregoing treaty.

CHAPTER IV

The Dawes Act of 1887

The Indian system of land-holding was different from that now in common use. Theirs was the communal system; the tribe might hold a certain territory but no individual Indian claimed any particular portion for his private use unless it was a small piece on which his tent was placed. They have had great difficulty in understanding that among the whites, the land was not, like the air, for the use of all. After they had been placed on reservations, this same system prevailed; the reservation belonged to the tribe as a whole.

Suggestions were made very early that land be allotted to the individual Indians. In the first report of the Board of Indian Commissioners in 1869, it was suggested that land in severalty be given the Indians and that the tribal relation be discouraged.¹ It was evident that something had to be done to prevent the complete pauperization of the Indians and their entire reliance upon the Government for their living. Most of the tribes were receiving rations from the

⁸ Report of Commissioner of Indian Affairs for 1888: LXXIII, LXXIV.

¹ Report of Board of Indian Commissioners for 1869: 3.

United States and there was little effort made to change this situation. In fact it seemed as though it might become a permanent arrangement and prevent the civilizing of the Indians.

However this condition was changed by the passage of the Dawes Act or Severalty Act of February 8, 1887. This has been called the "Magna Charta of the Indians" and the "Emancipation Proclamation of the red man."² When Roosevelt, who was then Civil Service Commissioner, attended a meeting of the friends of the Indians, he described the Dawes Act as "the law that marks the greatest advance we have made in legislation for the Indians."³ This act may be considered the corner-stone of the Indian policy since 1887. It indeed marks the beginning of a new era in Indian affairs.

The Dawes Act provided for the surveying of the reservations and the allotment to each Indian of a tract of land with a trust patent. This patent gave the allottee the possession of the land, but with the restriction that the land could not be sold, mortgaged, or alienated in any way. During a period of twenty-five years, the land was to be held in trust for him by the Government. At the end of this period, the trust patent was to be exchanged for a patent in fee. The idea was that in the meantime the Indian would prepare himself for the independence which would be his when he was given his patent in fee, for he would no longer be a ward of the Government then but would be on the same plane as the white man.

In addition to the land, the Indian received citizenship when he was given his trust patent. This is the most unusual phase of the law because there is an inconsistency in giving the ballot to the Indian in the same law which refused to give him absolute control of his land. As Leupp says, "the same Dawes Act which pronounced him incompetent to take care of his own affairs for the next twenty-five years, nevertheless endowed him with a ballot which enabled him, in all public concerns, to share in regulating your affairs and mine."⁴

² Leupp, F. E.: *The Indian and His Problem*, 34.

³ Report of Board of Indian Commissioners for 1892: 76.

⁴ Leupp, F. E.: 34, 35.

The Dawes Act also provided that the land during the time of the trust period should be free from taxation. Later on there was found to be a great disadvantage connected with this feature. Many times suggestions were made that the Government provide that taxes should be paid out of funds belonging to the Indians or that the Government should appropriate the money.⁵ For it was found that this provision worked a great injustice to those communities in which there were Indians because it fell to the lot of the whites to pay all the taxes to keep going those institutions necessary to a civilized community. Hence there was a tendency to throw out of court cases which concerned the Indians on the ground that the whites did not care to pay taxes to support courts for other people. This situation did not make for a kindly feeling in many communities.

The amount of land which the Indians received under the Dawes Act varied according to the character of the land and the relations of the allottee. In general it may be said that each head of a family was given 160 acres; a single adult 80 acres; and a dependent child 40 acres.⁶ This was changed later and at present each Indian is allotted not to exceed 80 acres of agricultural land or 160 acres of grazing land.⁷ In South Dakota the Indians receive 160 acres, so evidently the land is classed as grazing land.

Leupp sums up the Dawes Act briefly as follows: "This law authorized the President, whenever in his judgment the time is ripe, to carve up a reservation, allotting to each member of the resident tribe a certain number of acres—and to issue to him a patent containing a clause under which the Government should hold in trust the allotted land for the allottee for twenty-five years and then give him a patent in fee for the trust patent."⁸

The Severalty Act did not presuppose the immediate allotment of all the reservations. On the contrary, the expectation was that the Government would proceed slowly in the matter, for many of the Indians did not desire allot-

⁵ Report of Board of Indian Commissioners for 1894: 7.

⁶ Paxson, 354.

⁷ Federal Statutes, Supplement 1912: 100.

⁸ Leupp,

ments and many more did not even know of the law. The plan was to begin with the more advanced Indians and slowly work up to the more backward ones, expecting of course that the latter would become more civilized and educated in the meanwhile. Two reservations in South Dakota were among the first group to be chosen for the operation of the new law. They were the Sisseton in the north-eastern part and the Yankton in the south-central part of the state.⁹

The first step was the surveying of the reservation and this took some time, in many instances several years. Congress would appropriate a sum of money for the survey and when this sum was expended, the work halted until another appropriation was made. In some cases the Indians objected so seriously to the surveys that protection was necessary for the men making them. The great size of some of the reservations accounts in part for the length of time taken to survey them. In South Dakota there are several very large reservations, both the Rosebud and the Pine Ridge being of great extent. As an illustration of the length of time it takes to allot a reservation, it may be stated that allotments on the Rosebud began in 1894 and were not completed until 1917.¹⁰

After the surveys were made, the actual work of allotting began. There were many difficulties to be overcome. The status of each Indian had to be fixed in order to determine the amount of land to which he was entitled. As the marriages of the Indians were not as well regulated as those of the whites, there were often difficulties in determining which woman was the legal wife of an Indian and sometimes in determining which man was the legal husband of an Indian woman. Some of the allotting agents were scientifically trained in this work, for example, Miss Alice Fletcher, who had gone into the work because of her interest in the problem from a scientific viewpoint.

"For a number of years after the allotment system had become well established, most of the Indians used to resist stubbornly the efforts of the Government to give them

⁹ Report of Commissioner of Indian Affairs 1888-1892.

¹⁰ Joseph Coursey—Examiner of Inheritances on the Rosebud Reservation in a personal interview with the writer.

lands in severalty. They would run away when the Allotting Agent with his crew of assistants came into their neighborhood and conceal themselves in the thicket, or ride back over the hills, leaving only a cloud of dust to mark their pathless course. * * * The allotment statutes, however, had anticipated such a contingency by providing that, should any Indian refuse or neglect to make his own selection of land, it should be officially made for him after a specified interval of waiting. A patent was recognized by law, also, as having been issued to an allottee as soon as it was duly signed and recorded, no matter whether or not he accepted it."¹¹

When the Indians found that it was useless to prevent allotment, they tried in other ways to hinder the Government. It was in connection with the question of allotting a reservation in Oklahoma that the Lone Wolf case arose. Some of the provisions of the act were so different from the agreement with the Indians that suit was brought by a friend of the Indians to prevent the act from going into effect. The result was the decision referred to above, in which the Supreme Court of the United States held that the government is not bound by agreements with the Indians and these agreements or treaties may be set aside by Congress when in its opinion it is wise or necessary.¹²

After the land was allotted to the Indians, there was in most cases some surplus land. This in most instances was ceded to the government. At first the government bought the surplus land from the Indians and then threw it open to settlers under the Homestead Act. A little later the government acted only as the medium in the sale of the land. However it opened the land to settlers under the second plan as well as under the first one. In South Dakota there was land ceded by the Indians from each reservation with the exception of one. The amount of land purchased from the different reservations and thrown open to settlement is given in government reports.

When part of the surplus land on the Rosebud was thrown open to settlement in 1907, there was great interest

¹¹ Leupp, 85.

¹² Leupp: 82.

in the affair.¹³ The government conducted a drawing because the number of people desiring claims was far in excess of the amount of land to be opened. The people who registered were given numbers and then at a given time and under restrictions to prevent favoritism, a drawing was made of the numbers corresponding to those given to the people who had registered. The person drawing number one was given first choice of the claims, the second one was given second choice, and so on. A great many people from Chicago drew desirable claims and there was formed in that city an organization known as the Rosebud Club which consisted of these people. The object of the club was to prepare themselves for their "proving up" on these claims. This illustrates some of the actual results of the allotment policy to the State of South Dakota. When anyone has seen this part of the state at the present time and contrasts it with what it was when the Indians held it, it marks a great advance. The writer has done so and can testify to the change.

CHAPTER V.

Liquor Legislation.*

When America was discovered, the Indians were almost ignorant of intoxicating liquor. Some of the Indians in what is now the United States used mildly intoxicating drinks but generally for religious ceremonies. The early settlers were accustomed to use alcoholic liquors freely and gave them to the Indians with the most disastrous results. "It was not until the coming of the white man that drunkenness was known to the aborigines, save in the far Southwest."¹ Very early in the contacts of the two races, liquor was sure to be introduced and the Indian learned only too readily of the "fire-water" of the whites.

However the colonists realized in some places the mistake which they had made in introducing liquor to the Indians. It was as early as 1633 that the General Court of Massachusetts forbade the selling of "strong water" to an

¹³ Report of Commissioner of Indian Affairs, 1907: 63.

* See also S. D. Historical Collections, XII, 281-296.

¹ Johnson, W. E.: The Federal Government and Liquor Traffic, 184.

Indian.² At least two other colonies, New Jersey and Pennsylvania, also passed laws against this traffic.³

The better class of Indians realized the danger to their people and made efforts to do away with the liquor traffic. They made repeated appeals to the various colonial governments and later to the state and national governments, to prevent by legislation and enforcement the demoralizing habit. It was as a result of such an appeal that a law was passed in 1802, authorizing the president to take such measures as seemed expedient to prevent the selling or distributing of liquor to the Indians.⁴

Before any of the states had passed prohibition laws, the Cherokees had passed a law which prohibited bringing into their nation any spirituous liquors with a punishment of a fine for so doing.⁵ Many other instances could be named where the Indians made efforts to prevent liquor traffic among their people.

In 1832 Congress provided that "no ardent spirits shall be hereafter introduced under any pretense into the Indian country."⁶ This was the first prohibition law passed for the Indians, and from that time on there has been a more or less constant fight to enforce this law, for it has not been repealed. In 1864 Congress passed a law which provided for the search of conveyances on suspicion or information that they were carrying liquor, and if liquor was found on them, the conveyance as well as the liquor was confiscated. This law was still in effect in 1917 and probably is at present.⁷

The passage of the Dawes Act brought about another situation. After an Indian had received his trust-patent, he was a citizen, and the question arose as to his right to purchase liquor. State Courts made conflicting decisions and there was great uncertainty among the officials as well as among the people at large. Accordingly Congress in 1897

² *Ibid.*, 192.

³ *Ibid.*, 193.

⁴ Johnson, W. E.

⁵ Johnson, W. E.: 216.

⁶ Report of Commissioner of Indian Affairs for 1912: 13.

⁷ Johnson, W. E.: 227.

passed a law which prohibited the selling or giving away of liquor to Indians having a trust patent.⁸

Then came the noted Heff decision in 1905. This has had far-reaching consequences and is one of the most important decisions in Indian affairs. Heff was a liquor dealer in Kansas who was convicted in a lower court of selling liquor to a trust-patent Indian while the Indian was off the reservation. The case was carried to the United States Supreme Court and it was decided that as the Indian was a citizen and was not in the "Indian country", Heff had a right to sell liquor to him. This decision rendered the Act of 1897 unconstitutional. It did not apply to Indians in the territories because they were under the jurisdiction of Congress. Nor in the opinion of the acting Attorney-General, did it apply to allotted Indians while they were on the reservations.⁹ The decision, however made it clear that the selling of liquor to trust-patent Indians was legal when they were off the reservations.

While Congress had passed acts to prevent the sale of liquor to the Indians, there had been no special enforcement officers for this service before 1906. Instead, the enforcement had been left to the Indian agents, superintendents and the Indian police. To some extent the state officers helped, but this varied in different states. In 1906 following the Heff decision, Congress appropriated "to enable the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, to take action to suppress the traffic in intoxicating liquors among the Indians, twenty-five thousand dollars."¹⁰ This appropriation was increased from year to year until it was \$150,000 from 1917 to 1919.

A more stringent law was passed in 1919 providing that possession of liquor in the Indian country shall be a crime without further evidence of guilt and shall be punished accordingly.¹¹ This seems very strict, but doubtless the authorities were exceedingly anxious to do away with as much of the liquor traffic as possible among the Indians.

⁸ Report of Board of Indian Commissioners for 1897: 24, 25.

⁹ Report of the Commissioner of Indian Affairs 1905: pg. 24, 25.

¹⁰ Johnson, W. E.: 233.

¹¹ Report of the Commissioner of Indian Affairs for 1919: 36.

Early in his administration, Cato Sells, the Commissioner of Indian Affairs under President Wilson, discovered a "previous-to-this-time unenforced statute* * * which provided that no annuities or moneys or goods shall be paid to the Indians while they are under the influence of intoxicating liquor, nor while there are good and sufficient reasons for those whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians."¹² Mr. Sells accordingly proceeded to exercise the power which this law conferred upon him. In Oklahoma, payments of large sums of money running into the millions were held up because of the deplorable conditions there with regard to the liquor situation.

At once there was great excitement because the communities affected would be financially hard-hit by this procedure. In one town a mass meeting of the citizens was hurriedly called and \$6,000 was subscribed to assist in the enforcement of the law so that this order might be recalled. The better class of people joined in the fight and an earnest effort was made to drive liquor from the reach of the Indians. When the situation was sufficiently cleared, the payment was made. As a result the Bureau had found a new weapon to hold over the communities which were interested in the payments made to the Indians.¹³

Since the Prohibition Amendment was ratified, there has been a marked decrease in the amount of money appropriated for the suppression of the traffic among the Indians. It has been decreased from \$150,000 in 1919 to one sixth that amount in 1923. There seems some uncertainty as to whether the enforcement of the Prohibition Amendment makes up for this reduction or not. In one place the Commissioner says that the Indians do not now "obtain intoxicating liquors as easily as heretofore and the results have been beneficial to them."¹⁴ In a report a year later, he says, "It can hardly be admitted that the means for enforcing constitutional prohibition have made up for the

¹² Report of Commissioner of Indian Affairs for 1918: 75.

¹³ Report of Commissioner of Indian Affairs for 1918: 75-80.

¹⁴ Report of Commissioner of Indian Affairs for 1922: 19.

consequent curtailment of the special forces of this bureau for liquor suppression.”¹⁵

All people who have had much experience with the Indians are agreed that the liquor problem is one of the most serious and important questions to be solved in dealing with them.

CHAPTER VI

The Burke Act

In the Heff case in 1905, the Supreme Court of the United States decided that the selling of liquor to trust patent Indians was legal because they were citizens. While this applied only to the times when the Indians were off the reservations, it made a situation very acceptable to the liquor-sellers. The officials and friends of the Indians were of course dismayed at the decision, and began to look forward to some change which might be made. They realized that the Indians could not withstand the temptation of liquor which is always demoralizing to a primitive people.

One result of this agitation was the Burke Act which was passed May 8, 1906, the year following the Heff decision. This is, in reality, an amendment to the Dawes Act of 1887 and provided for three changes in the Dawes Act. Citizenship was not to be conferred upon the Indians when the trust patent was given, but was to be with-held until the patent in fee was obtained. This provision could not be made retroactive, so all Indians who had been given their trust patent previous to May 6, 1906 remain citizens. Another change was in the method of giving patents in fee to competent Indians before the expiration of the twenty-five year period. Under the Dawes Act, this could be done only by act of Congress, but under the Burke Act, it could be done by the Secretary of the Interior.¹ In the discussion in Congress during the consideration of the Burke Act, the question was asked as to the action of Congress in cases of this sort and the answer was that Congress accepted the recommendation of the Secretary.² One objection to the Dawes Act

¹⁵ Report of Commissioner of Indian Affairs for 1923: 19.

¹ Report of Commissioner of Indian Affairs for 1906: 27-31.

² Congressional Record, Vol. 40—Part 4—Page 3599.

had been the difficulty which had attended the obtaining a patent in fee by a competent Indian before the expiration of the twenty-five year period and the change just described was to do away with this objection.

There was another reason for with-holding citizenship and that was the character of many of the Indians who had not yet been allotted. In the debate in Congress Mr. Burke said, "Take it in my state (South Dakota), the Indians that have not yet received allotments and to whom allotments are now being made are the Indians in the remote portions and reservations that are commonly known as 'blanket Indians,' and they do not possess one single qualification entitling them to citizenship, and yet it is desirable that lands be allotted to them. If citizenship goes with allotment then I do not think there will be any allotment to any such Indian in the future."³

There was a third change which was with regard to the disposition of land held under a trust patent when the allottee died before the expiration of the twenty-five year period. According to the Burke Act, the Secretary of the Interior must ascertain the heirs of the deceased Indian and then a patent in fee has to be given for the land, in the name of the heirs or the secretary might sell the land, "as provided by law" and the money would be paid to the heirs.⁴ This increased the amount of Indian land which became available to buyers and in western South Dakota a number of acres were thrown upon the market in this manner. The writer knows of people who purchased land under these conditions. Most of it was on the reservations, miles from the railroads, and yet there were many bidders for it.

At the same time the President was given the power "to extend the trust period of Indian allotments at his discretion."⁵ This power is exercised in the case of whole reservations on occasions as in 1922 when the President extended the trust period for ten years on three reservations. There were 800 allotments covered by these extensions.⁶ No reason

³ Report of Commissioner of Indian Affairs for 1906: 29.

⁴ Report of Commissioner of Indian Affairs for 1906: 29.

⁵ *Ibid.*, 1.

⁶ Report of Commissioner of Indian Affairs for 1923: 9.

was given by the Commissioner of Indian Affairs for this action.

While most of the people concerned with the Indian question approved of the changes made by the Burke Act, the Board of Indian Commissioners said in part: "We regret this modification of the allotment act (postponing citizenship for twenty-five years.) We think that this prolonged period of exclusion from the duties and rights of citizenship is too heavy a price for the Indians to pay for protection by the Indian Bureau. Most of the Indians who will receive allotments hereafter will have attended some school. A good proportion of them are now and more of them at the time of their allotment will be far better qualified to become citizens of the United States than are many of the foreign immigrants who as recently naturalized subjects are voters in many of our states."⁷ This illustrates the difference of opinion which is met with so often in the Indian Question. While each side recognized the honesty of purpose of the other, they did not agree on the best method by which the result desired by both could be attained.

Leupp, who was the Commissioner of Indian Affairs at the time of the passage of the Burke Act, proceeded cautiously in the issuing of patents in fee to supposedly competent Indians. There was, in the first place, the question as to what constituted competency. The Commissioner had to depend to a certain extent upon the reports of the agents or superintendents as to the merits of any particular case. Leupp seemed to lay the stress upon the industry and thrift of the applicant rather than on his ability to read and write. If he had supported himself, Leupp thought he had acquired sufficient knowledge of "money values" to justify the Government in giving him his own land.⁸

Later in 1915 a competency commission was appointed, consisting of Maj. James McLaughlin and Mr. F. A. Thackery. Maj. McLaughlin was an inspector of the department and had been agent of the Standing Rock Reservation for many years. Mr. Thackery had served as superintendent of the

⁷ Report of Board of Indian Commissioners 1906: 8.

⁸ Report of Commissioner of Indian Affairs, 1907: 68.

Pima School and was well acquainted with the Indians. Their duties were to assist the superintendents of the various reservations in passing on the qualifications of Indians who wished to be declared competent.⁹

As has been said, Commissioner Leupp proceeded cautiously in issuing patents in fee to competent Indians. During the first year the law was in operation, 753 patents in fee were issued; during the second year 1787 were given and 68 refused. The third year the number approved was reduced to 1166 while 768 were refused.¹⁰

Robert Valentine, Commissioner of Indian Affairs from 1909 to 1912 and successor to Leupp, issued 4797 patents in fee during his first year and refused 1249. During his second year he said he was opposed to granting patents in fee unless he was convinced that it was best and the number fell to 1026 but only 387 were refused. The following year only 344 were granted and 420 were refused.¹¹

Cato Sells, the Commissioner under Wilson from 1913 to 1921, seems to have been fairly conservative in issuing patents in fee during the first four years of his term. In 1917 however he promulgated a "new declaration of policy." This seems to have been the most radical measure in recent years as regards allotment. This provided for the granting of patents in fee to a larger number of Indians than ever before. Two questions were taken into consideration particularly. One was the amount of white blood an Indian possessed and the other was his educational acquirements. If an able-bodied Indian had less than one half Indian blood, he was considered competent and he was given control of his property. He was to be given his patent in fee although 40 acres might be withheld for a home if deemed advisable. Indian students who were twenty-one years or over and had completed the full course of instruction in the Government schools were in most instances thought to be competent and were also to be granted the privileges which were given to those of less than one half Indian blood.¹² As the Govern-

⁹ Report of Commissioner of Indian Affairs, 1915: 29.

¹⁰ Reports of the Commissioner of Indian Affairs 1909 to 1912.

¹¹ Reports of Commissioner of Indian Affairs for 1909-1912.

¹² Report of Commissioner of Indian Affairs for 1917: 4.

ment schools have a large amount of industrial work, the Commissioner thought the training fitted the Indians for complete independence from Federal control.

This new policy meant that the Indians were to be placed on their own responsibility as rapidly as possible and the restrictions and protection of the United States removed. It was what some friends of the Indians had been advocating for some time and they had prophesied that such a course would bring about the end of the Indian problem.

From this time, April 17, 1917, there was granted a greatly increased number of patents in fee each year for four years. During the first year of the new policy, 1918, the number rose to 2203. By 1920, during a period of four years, the number of patents in fee which had been issued in accordance with the new declaration of policy was nearly 20,000, about twice as many as had been issued in the previous ten years.¹³

As has been said before, this was the most radical measure which has ever been carried out in regard to the allotment policy. If it had been continued for a period of years, it would doubtless have brought about an end of the Indian problems in that there would have been a very small number of Indians under the control of the Government, for as has been explained, when an Indian gets his patent in fee, he is on the same plane as any other citizen.

However this was not to be. There was a change of administration and Charles H. Burke became Commissioner of Indian Affairs in 1921. He discontinued the practice of issuing patents in fee to Indians of one-half or less Indian blood without further proof of competency and in all cases required a formal application and proof of competency.¹⁴ This resulted in a decrease of number of patents in fee granted; during 1922 only 911 applications were approved while in 1923 there were only 625 granted.¹⁵

This change of policy means that it will take a longer time for the Indians to become citizens and that the Government thinks it best to keep control of them.

¹³ Report of the Board of Indian Commissioners for 1920: 6.

¹⁴ Report of Commissioner of Indian Affairs, 1921: 23.

¹⁵ Report of Commissioner of Indian Affairs 1922 and 1923.

CHAPTER VII

Allotment Policy in Operation

In a discussion of the Indian policy, it might be well to consider what the aims of the Government have been at different times. In the early years of our national history, the one aim was to protect our citizens from the savage Indians. When the Indians were placed on reservations, it was principally that the whites might be free from the menace of the red men. Later on there entered the idea that the Indians on the reservations were to be protected and their life preserved as long as they did not threaten the safety of the whites. Still later we find "the advocacy of the claims of the Indians to fair treatment."¹ Helen Hunt Jackson's "Century of Dishonor" (1881) perhaps marks the change in attitude on the part of the many who form public opinion.²

Perhaps the following quotation indicates three stages through which the Government has gone in its dealings with the Indians. "We must either fight the Indians, or feed them or educate them. To fight them is cruel; to feed them is wasteful; to educate them is humane, economic, and Christian."³ In the beginning we certainly pursued the policy of fighting them. Later we put them on reservations and tried to prevent wars by feeding them. The allotment policy is the policy of educating them in an economic way; of giving them land on which they could supposedly support themselves.

From the inception of the allotment policy, the hope has been to establish most, if not all, of the Indians on their land and have them become self-supporting farmers and ranchers. To this end aid has been given from time to time to help them become self-sustaining. In 1888 \$30,000 was appropriated to help establish Indians on their allotments.⁴ The argument was used that it was too much to expect an Indian to start farming without any financial aid

¹ Report of Board of Indian Commissioners for 1892: 32.

² Report of Committee of One Hundred: 16.

³ Report of Board of Indian Commissioners for 1892: 57.

⁴ Report of Board of Indian Commissioners for 1888: 6.

for seed, implements, and living expenses for the first part of the time. Many philanthropic people of the East helped individual Indians, usually those who had been at such schools as Carlisle.

It was in 1908 that Congress appropriated \$25,000 for a reimbursable fund to be lent to the Indians. Two years later \$15,000 was added but it was not until 1911 that this plan was used on a large scale. Since then appropriations varying from \$100,000 to \$725,000 have been granted by Congress until a total of more than \$4,000,000 had been reached by 1922.⁵

This money was to be lent to the Indians for livestock, seed, and agricultural implements. However, the Indians did not do their own purchasing; instead of giving them the money, the Government purchased the articles desired by the Indians after competitive bidding, thereby getting a lower price than would have been possible for the individual Indians. In some instances tribal herds were purchased from this fund. Contracts were signed by the Indians and from four to six years were allowed for payment, and no interest was charged.⁶

At first the Indians seemed reluctant to avail themselves of this fund, but after it had been explained to them, they took advantage of it. According to the reports of the Commissioner of Indian Affairs, they proved themselves trustworthy on the whole; they paid promptly as a rule and in those cases where they could not pay on time, there was usually some good reason and the time was extended. Out of over \$4,000,000, only \$22,711 was charged off as losses in 1922. The title to the property remained in the United States until full payment was made. In some instances the property was taken from the delinquent Indians and turned over to others under the same conditions, for there seem to have been more applicants for any such property than could be satisfied. Some of the uses to which this fund was put seemed a little unusual, such as sewing machines and stoves, but undoubtedly these are useful articles.⁷

⁵ Reports of Commissioner of Indian Affairs 1914-1923.

⁶ Reports of Commissioner of Indian Affairs for 1914-1923.

⁷ Reports of Commissioner of Indian Affairs for 1914-1923.

In addition to the sums appropriated by Congress, tribal funds were used on twelve reservations under the same regulations with the exception that interest was charged. The reason for charging interest was that as long as the Government had this money, interest was paid on it and they did not think it right to lend to individuals and forego the interest.⁸

Before taking up the results of the allotment policy, it is necessary to deal with the laws governing the leasing of Indian lands. The first law on the subject was passed in 1891 and provided "that an allottee when prevented by age or disability might lease (his allotment) for a period not to exceed three years for farming."⁹ Under a law passed in 1910, "allotted Indians who are holding their lands under a trust patent may lease the same for a period not to exceed five years under regulations prescribed by the Secretary".¹⁰ The competent Indians are allowed to make their own leases and collect the rent; in the case of those Indians who are classed as incompetent, the rentals are handled by the agent or the lease clerk and from one to five dollars is charged for each lease or sublease. Since March 3, 1921 the superintendent has the power to approve leases so it is not necessary to take up the matter with the Washington office.¹¹

In studying the reports of the Board of Indian Commissioners in the years following the enactment of the Dawes Act, the reader is struck by the great expectations of the friends of the Indians, especially at the conferences which were held every year at Lake Mohonk. They seemed to feel that when the Indians were allotted lands in severalty, they would learn to support themselves as white men do and that it would not take many years to solve the Indian question. The earnest speeches of those who realized that there was more to it than that, show how much was needed to convince them of their error. They seemed to think that the Indian is a white man with dark skin and did not realize

⁸ Ibid.

⁹ Report of Board of Indian Commissioners for 1900: 61.

¹⁰ Report of Commissioner of Indian Affairs for 1921: 24.

¹¹ Report of Commissioner of Indian Affairs for 1921: 24.

the place to which the Indian had attained in the long upward march to civilization. Theodore Roosevelt, when Civil Service Commissioner, attended the Mohonk Conference in 1892. In a speech there he said: "If you think that, after you have done what you can for the Indian, he is going to skip over six thousand years, and come up to the white level, you are going to be disappointed. It is three thousand years since our race produced the poems of Homer. The Indian starts from one to two hundred generations behind in the race; you can not bring him up in one generation. We will do well if we bring him up in two or three".¹²

There were widely varying ideas as to the length of time it would take to allot land to all the Indians. This of course refers to the assignment of land to them, not to their becoming self-supporting. One army officer is quoted as saying that it would take a hundred years. T. J. Morgan who was Commissioner at the time, said in 1892 that it could probably be done in four years but that it was not advisable.¹³ Thirty-four years have passed since the Dawes Act and there remain 125,000 who have not yet been allotted. Allotting agents are in the field at work and "the prospect is that in a comparatively short time all 'allottable land' will be allotted."¹⁴ There is some land which is so poor that it probably will not be allotted as more would be required for maintaining a person than could be apportioned under the law.¹⁵

Has the allotment policy been a success? From reading the literature on the subject as to the results, I have drawn two conclusions: first, that the Indians have improved greatly because of this policy; second, that the results have not met the expectations of the officials and friends of the Indians as to the thoroughness of the result nor as to the length of time it is taking.

The Indians have improved but it is difficult to give quotations to support this conclusion. In fact, one comes to the conclusion more by comparing conditions in 1887 with

¹² Report of Board of Indian Commissioners for 1892: 74.

¹³ Report of Board of Indian Commissioners for 1892: 37.

¹⁴ Otis, J. E.: Report of Committee of One Hundred: 39.

¹⁵ Ibid: 39.

those of later times. If the reader goes through the reports of the Commissioner of Indian Affairs or those of the Board of Indian Commissioners from 1887 to the present with the idea of comparing conditions among the Indians at the different times, he will be struck by the slow but gradual improvement in many lines. He will come to the conclusion, I think, that there are two reasons for this improvement, the allotment policy and the schools. There are of course other agencies at work but it seems that these are the two fundamental ones.

When discussing the discouraging aspects of the situation with an official on the Rosebud Reservation during the summer of 1923, he said, "Nevertheless it would not have been safe for us to have been here without protection among the Indians twenty years ago." People who have been among the Indians speak of the improvement in their ways of living and general conditions. As a rule they are not enthusiastic but they will say that on the whole the Indians have improved. For instance in the "Report of One Hundred" it is said: "Within recent years results have been much better, for more and more Indians have taken to farming as a regular vocation."¹⁶

In books like "John P. Williamson, A Brother to the Sioux" comparisons can be made of the conditions of the Indians at different times. In the book referred to, the reader gets a picture of life among the Indians from the 1860's to 1917, for Mr. Williamson came to South Dakota with the Indians who were exiled here from Minnesota after the uprising there during the Civil War, and he lived here until his death in 1917. There can be no question as to the improvement in the condition of the Indians in that time. As to what part of the improvement came from the allotment policy and what part from other causes, it would be difficult to say. The improvement is there, not nearly as much as expected and hoped, but that it is there can not be denied.

In the "Life and Labors of Bishop Hare" is found another and yet similar picture of life among the Indians from 1873 to 1909. Again we find a record of improvement but

¹⁶ Report of Committee of One Hundred: 24.

as in the book referred to above, the emphasis is laid on the work done by the churches. This is right and proper but it does not help in determining whether any of the improvement is due to the allotment policy.

It can be said that the Indians are much better off than they were at the time the Dawes Act was passed. In many instances, they are on farms of their own and are independent. There are those who have gone to the towns and have made a success there. So from testimony of this sort, it can be concluded that the allotment policy has benefitted the Indians.

The second conclusion to which I came was that the results of the allotment policy had not met the expectations of the officials and friends of the Indians. During the twenty-five year period of the trust patent, they expected the Indian to learn to farm his allotment. At the end of this time, they expected him to be able to manage his financial affairs. In general, they have been disappointed in both these hopes.

The expectation that the Indians would learn to farm during the period of the trust patent has not been fulfilled, chiefly, because the Indians have taken advantage of the laws of 1891 and 1910 to lease their lands to the whites instead of farming it themselves. This dates back to the law of 1891 and from 1894 on, we find more or less criticism on this subject. The law of 1910 makes it possible for any Indian to lease his land. "The justification * * * is that the Indians will not farm themselves and the land should be put to productive use in some way".¹⁷

As early as 1894, the Board of Indian Commissioners thought that too many leases had been executed although the law at that time was not as liberal as the one in operation at present. They say the "sad effects of the law are already apparent among the Omahas, many of whom, living upon the proceeds of leases, have fallen into the habits of idleness and intemperance."¹⁸ Again in 1902, the Board said: "Certain groups of Indians who five or ten years ago were working

¹⁷ Report of Committee of One Hundred: 24.

¹⁸ Report of Board of Indian Commissioners for 1894: 7.

upon their own land have ceased to work. They are leasing their lands, thus securing enough yearly rental to supply them with the bare necessities of life, and for these last few years they are not doing one stroke of work upon their land. We are sending them back to barbarism by allowing them to lease their lands. We had lifted them a little way by land and labor; we are letting them fall back again."¹⁹ Then in 1904, we find Roosevelt in his message to Congress, advising "stopping the indiscriminate leasing of lands (of Indians)." ²⁰

Mr. McDowell in his Memoranda in the Report of the Committee of One Hundred says practically the same thing.²¹ "In the opinion of well-informed persons, the reluctance of many Indians to farm for themselves is largely due to the leasing system by which white people lease Indian farm lands. * * * The actual result of the leasing policy is that hundreds and hundreds of Indians are leading idle lives, loafing and doing worse than that, because they are receiving revenues from land rentals, the revenues, however, in most cases being only enough to allow them to barely exist."²²

When on the Rosebud Indian Reservation in the summer of 1923, the writer talked to the lease clerk there. When asked if every Indian who desired to lease his land was allowed to do so, he said none was refused. All leases had to be approved by the Superintendent. If this is the practice on the Rosebud Reservation, doubtless it is the same on other reservations.

During the World War, leasing could be defended because of the necessity to increase the production of grain and meat. Now, however, with an overproduction of food, and prices below the cost of production as a result, it is difficult

¹⁹ Report of Board of Indian Commissioners for 1902: 20.

²⁰ Report of Board of Indian Commissioners for 1904: 8.

²¹ During 1923 the Secretary of the Interior appointed a Committee of One Hundred to advise with him on Indian affairs. On this committee were two men from South Dakota, Bishop Burleson, of the Episcopal Church, and Bishop Lawler, of the Roman Catholic Church. Dr. Charles A. Eastman, a Sioux Indian from South Dakota, was there and with six or eight others represented the Indian point of view. Such people as William J. Bryan, Rabbi Wise, General Hugh L. Scott, Mary Roberts Rinehart, Will Irwin and others were members of this committee. They met in Washington on December 12-13 and submitted a report which was subsequently published. This report contains a very able article on the Indian question prepared by Mr. Malcolm McDowell, formerly a journalist, later a banker, and sociologist of Washington.

²² Report of Committee of One Hundred: 5.

to justify indiscriminate leasing. It serves neither a necessity of the nation nor the best interests of the Indians. Perhaps a change in regard to leasing will be brought in the near future.

The second expectation which has been disappointed was that the Indian would be able to manage his financial affairs at the end of the trust period. The belief was general that he would keep his land and maintain himself and family thereby. In the reports of the Board of Indian Commissioners for the past ten or twelve years, there have been many expressions of disappointment as to the success of the allotment policy. It began to be apparent that this policy would not make all or most of the Indians independent financially nor render them self-supporting. The Board of Indian Commissioners in their report of 1913-1914 say: "It is our conviction that the haste of Congress and of the Indian Bureau to individualize the land holdings of Indians, who have had centuries of life under the communistic system of land ownership, and the methods applied in the process, are responsible for much of the fraud and graft from which Indians have suffered in a large majority of the cases where the restrictions upon alienation have been removed."²³ Their idea is that the Government did too much for the Indian while he had his trust patent and then threw him too suddenly upon his own resources when he was given his patent in fee. They go on to say: "It is believed that Indian Office statistics will show that a very large proportion of the Indians who have received fee titles to their lands have wasted them and in most instances have been debauched in the process."²⁴

The New Declaration of Policy of 1917 described in a former chapter was made because the Commissioner of Indian Affairs believed that many of the Indians could be placed upon a basis of equality with the white man as far as controlling their property was concerned. He believed that these Indians would "make good." However after nearly four years of operation under this policy, this same Com-

²³ Report of Board of Indian Commissioners for 1913-1914: 7.

²⁴ *Ibid.*, 9.

missioner came to the conclusion that this procedure had elements of danger in it and before he left the position "the work of issuing fee patents to Indians was practically at a standstill."²⁵ This is a decided change of attitude but there were reasons for this radical change.

What proportion of Indians who get their fee patents lose their lands and for what reasons? In the report of the Commissioner of Indian Affairs for 1921 after Mr. Burke had become Commissioner, we find this statement: "Experience shows that more than two-thirds of the Indians who have received patents in fee have been unable or unwilling to cope with the business acumen coupled with the selfishness and greed of the more competent whites, and in many instances have lost every acre they had."²⁶

In the same year, 1921, the Board of Indian Commissioners sent out a questionnaire to men in the Indian Service asking, among other things, the results of giving patents in fee to the Indians. The result is discouraging. "81.5 per cent state that of the patent-in-fee Indians on their reservations, a majority—in some cases all—disposed of their lands and money soon after they were released from Government supervision. The fee-patent Indians either sold their property themselves or lost it through foreclosure because they failed to pay the interest or principal of a mortgage."²⁷

In the summer of 1923 the writer made a trip to the Rosebud Reservation in South Dakota to get first-hand information. Questions were asked concerning the Indians who received their patents in fee. The answers were practically the same as those in the questionnaire referred to above. One official said that 90 per cent of those who got their lands in fee lost them. Another official made it as low as 60 per cent while the wife of a government farmer said that "every one who got his land sold it and bought a car."

The way the Indians lose their land is either by direct sale or more commonly as the result of mortgaging their

²⁵ Report of Commissioner of Indian Affairs for 1921: 6.

²⁶ *Ibid.*, 25.

²⁷ Report of Board of Indian Commissioners for 1921: 8.

land and spending the proceeds for a car. Then they have no means of meeting the interest when due. Whites have found the automobile the cheaper method of obtaining Indian land. When an Indian expects to receive his patent-in-fee, he has many offers from the whites who make a business of buying Indian land. They dangle all sorts of enticing offers before him in the way of automobiles. He usually gets a big car to begin with but that is exchanged later for a smaller one when it needs repairs. The Indians do not seem to be mechanically inclined and their cars suffer accordingly. Hence the exchange for a smaller car.

Summing up the evidence as to the result of the allotment policy, we may say the Indians have been improved thereby to some extent. On the other hand they are not learning to farm during the trust patent period to the extent they ought. The reason is largely because they are permitted to lease their land. When they receive their land in fee, a very large proportion sell or lose their land. Those who sell spend the money and in a short time have neither land nor money.

What is the remedy? It was an effort on the part of the Government to get recommendations that the Committee of One Hundred was appointed. They say: "Regardless of progress actually made, the great objectives of our benevolent desires have not been attained."²⁸ They do not make any recommendation on the allotment situation. One member who makes a special report, Joseph E. Otis, says: "The only suggestion that I feel warranted in making is that this committee ought to proceed with great caution. There are persons upon it who, by reason of much experience and great sagacity, can speak with authority. There are, I suspect, a large number, however who like myself, have chiefly only casual observation and second-hand information upon which to base any conclusions or recommendations we might feel disposed to make. No recommendations resting upon such a foundation ought to go out to the public or be made to any governmental agency, legislative or administrative, as coming from this body. The subject before us is too intri-

²⁸ Report of Committee of One Hundred: 1.

cate and too delicate to be dealt lightly with. * * * *
I would earnestly suggest that at this time this committee certainly should make no formal or official recommendations, and that, should it remain in existence after today, it should do so with the understanding that each member in the next four or five years will undertake to visit and carefully and minutely inspect each reservation and each institution for the care or education of 'restricted' Indians, keeping in touch and co-operation with the Indian Bureau and the Indian Commission; that no report nor recommendation be made by this body until the expiration of such a period, and that should this line of action be followed and report forthcoming, it should be discussed and signed only by those who have given the personal attention and study to the subject herein outlined."²⁹

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²⁹ Otis, J. E.: in Report of Committee of One Hundred: 15.

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Commissioners during period studied	Date	President
Morgan, T. J.	1889-1893	Harrison
Browning, D. M.	1893-1897	Cleveland
Jones, W. A.	1897-1905	McKinley and Roosevelt
Leupp, F. E.	1905-1909	Roosevelt
Valentine, R. G.	1909-1912	Taft
Sells, Cato	1913-1921	Wilson
Burke, Chas. H.	1921-	Harding and Coolidge

Annual Reports of Board of Indian Commissioners, 1887-1922 with the exception 1907, 1910-1911, 1914-1915, 1915-1916, 1916-1917. 31 volumes.

These reports present the philanthropic and humanitarian view of the situation. They criticize the action of the Government in many cases.

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AGRICULTURE AND POLITICS
IN
SOUTH DAKOTA
1889 to 1900

By Warren S. Tryon

Populism, fundamentally, is no new thing. It takes its roots in agricultural discontent, but it has manifested itself in a variety of ways. The Granger Movement, particularly, and in some degree, the Greenback Movement, are only earlier, less matured attempts toward the same ends as that of the nineties. The experiences of both those former episodes were of great value, doubtless, to the new parties that were formed in 1890. This much should be remembered, however, lest the title "Agriculture and Politics" be misleading:—that while agriculture laid at the bottom of the trouble, it by no means explained Populism. The farmers, having found themselves in straightened circumstances, due to their crops, looked about for causes and remedies. They thought that relief was to be found in the Government;¹ that an expanded currency, free silver perhaps, railway regulations, and the like would offer them a solution. They were accustomed to turn to the Government; to them it was the only power strong enough to use. It had given free land to the settlers, protected them by its army, granted lands to the railways and made them powerful, and settled on them their territorial governments. It is this that largely explains why, what is obviously agricultural in basis, should have been political, economic, and what often seems far removed from crop growing, in its result. The writer hopes, then, that it will not be thought that agriculture was the whole story in South Dakota. In the early days, it was a most important factor, but toward the close of the decade, its part was chiefly negative.

The "Great Boom" in Dakota had begun in about 1878. Free lands, the growth of railways, and mining, all contribut-

¹ Farrand, M.: Development of the United States, p. 301.

ed to the cause for the great increase in population. In 1875 there were 50,000 people; in 1880, 135,000; in 1885, 450,000.² Crops were excellent; wheat, the great staple, was selling at a good price; good railways made marketing easy. People as a whole were in fine financial situation. Suddenly in 1885 the "boom times" ended; restriction set in which was to end in that movement which we are about to consider.

Population had pressed beyond the limit of safety with the rainfall. During the years when the lands of Dakota were being taken up, abundant rainfall had encouraged the farmers westward. Now when the droughts came, as they should logically have been expected to come, the crops began to fail. In 1886 came the first one, and small grain suffered especially. In this year the drought was local. Certain localities, especially the counties in the extreme southeastern part of the Territory harvested their usual crops. In other localities, beyond the James river the yield was cut fifty per cent.³ In 1887 conditions were worse; the drought continued, and in some counties no harvesting whatever was done. In 1888 there was a slight revival; but local droughts continued and the situation was increasingly disturbing.

It may be well to mention here the geography and agricultural condition of South Dakota. South Dakota extends of course on both sides of the Missouri river, that river cutting the State nearly in half. West of the Missouri, at this time, population was scanty, much of it was still Indian reservations, and it was unsuitable to anything but dry farming which had not yet been introduced. In the extreme west were the Black Hills, devoted chiefly to mining. It is with the land east of the Missouri with which we are primarily concerned. The James river cuts through this section, between the Missouri river and Minnesota and in its basin were to be developed the artesian wells, but as yet little had been done with the possibilities. The twenty inch rainfall line in general lies just west of the river valley. The north and northeastern part of the State, into which extends Lake Agassiz, is the great wheat growing center. Indeed wheat

² F. L. Ransom: *Sunshine State*, p. 86.

³ S. S. Visher: *Geography of South Dakota*, p. 155.

is grown over the entire eastern region but its stronghold is here. The rich level land of the Red river valley, the short summers, but long days with a total amount of sunlight; the cool nights, and the moist soil due to the frosts from heavy winters, made wheat the single great staple of northern South Dakota. In the south and particularly the southeastern portion of the State, the corn belt extending up from Nebraska penetrates South Dakota, making these counties dominant in corn growing. Oats is the third most important product growing over the entire western section. In a minor degree barley, rye, etc. are grown. This dominance of two crops—wheat and corn—was to be a great factor in the Populist movement. If either one or the other failed, since they were raised in different sections, trouble was bound to arise.

We have seen that from 1886 to 1888 the drought had begun. In 1889 came the terrible drought which cast all the others into insignificance. In a number of instances the wheat only grew to the height of a few inches and was not cut at all. In a majority of cases the crop was harvested but the grain was of poor quality and the yield was small.⁴ Compared with a poor year, 1888, the drop in 1889 becomes even more alarming.

Corn

Year	Acreage in acres	Average yield per acre	Production in bushels	Farm value in dollars
1888	737,899	25.5	18,816,000	\$6,209,280
1889	819,068	18.	14,743,000	4,865,264

Wheat

1888	3,921,120	9.7	38,036,000	\$34,612,760
1889	4,431,034	9.4	41,652,000	24,991,032 ⁵

All other crops dropped at least by half in value with the exception of hay, which as was always the case when grains were poor, arose from \$4,618,900 to \$7,183,502.⁶

Most of the farmers were unable to stand such financial losses. When we consider that many of them were immigrant

⁴ 1890. Facts about South Dakota, p. 9.

⁵ The figures are for Dakota Territory. U. S. Department of Agriculture, Bureau of Statistics, Nos. 51, 52.

⁶ Ibid., No. 58.

families, none too well off, while as many more came only because land was cheap, and with no intention of remaining if the outlook was poor, we can believe that they did not need even a moderate drought to cause them to remove.

1889 was the year of Statehood. Dakota Territory was divided and the parts entered as North Dakota and South Dakota. An election was immediately called. The agricultural depression does not seem to have been great enough to cause any revulsion of feeling from the established order. The entire Republican ticket was elected, and in the vote for Governor the Republicans carried sixty-nine per cent of the total vote. The New Englanders and the children of New England who had so largely populated the State⁷ were not yet willing to consider a change, nor was there any power yet strong enough to make them.

But although the discontent had not manifested itself in its votes, both the Governor and the Legislature were well aware that such discontent existed. The Governor communicated with neighboring States and cities, the Chicago and Northwestern Railroad, and the Chicago, Milwaukee and St. Paul Railroad urging them to assist in the relief.⁸ He urged that tree planting be aided by appropriation as it would aid those sections with little rainfall by preserving what moisture there was. Fifty thousand dollars was raised through the Governor's solicitation.⁹ The legislature too responded to the farmers' needs. The county commissioners of each county were authorized to issue warrants not exceeding one per cent of the county valuation, which were to be given in payment for seed grain to be purchased; this seed grain was to be distributed to the needy farmers.¹⁰

On March 3, 1890, a convention met at Huron composed of delegates from each county which was to devise some means of relief. The Governor was present, a committee was appointed to cooperate with the legislature. It was estimated that \$570,000 worth of seed grain would be needed, and the county commissioners agreed to secure three-fourths of this

⁷ Year of Statehood, p. 6.

⁸ Journal House of Representatives of South Dakota, January 3, 1890, p. 47.

⁹ Appleton's Cyclopaedia, 1890, p. 782.

¹⁰ Journal, H. R. S. De; Senate Bill No. 2.

amount. The railways agreed to transport such grain either at cost, or free of charge. The efforts of the committee resulted that a month later seed grain valuing about \$45,000 was apportioned among twenty-five counties of the State. Later, through the efforts of the Governor, large sums were raised and the grain distributed.¹¹

Certain things are noticeable in these few years. While there was great discontent, the people on the whole seemed willing to continue under the old regime. The spirit of unrest was not so great that the old ways of accomplishing things were to be overthrown at once. The Republican Governor and legislature were anxious apparently to help; even the railways did a little. Of course the State was a stronghold of Republicanism; it was not easy to gain headway among these people raised in orthodoxy, with political heresies. And too, there were certain counties where no discontent existed,—notably in the southeastern part of the State.

But 1890 was to see a new party come into the field in South Dakota. It is such an occurrence which should dispeil the old idea that Populism followed crop fluctuation slavishly, i. e., a year of good crops means a falling away from Populism, and a year of poor crops means growing strength for Populism. It is true that over a series of years such a position is tenable. For in general from 1886 to 1889, crops were poor and the earnings of the farmers decreasing, and as a result, after 1890 there is an increasing vote for the third party. We shall notice shortly, however, how agricultural conditions alone do not explain the vote, because in 1890 when the third party was formed, crop conditions commenced to pick up. The price of corn rose seventeen cents and wheat ten cents per bushel from that of 1889; the value of the corn crop was nearly a million and a half and the wheat crop three million and a half dollars more valuable than of the preceding year.¹²

But that neither this nor the efforts of the Governor were satisfactory is a fact not to be denied. The idea of a third party would not be downed. The Farmers' Alliance numbered some 50,000 members¹³ in South Dakota; its influ-

¹¹ Appleton's Cyclopedia, 1890, p. 782.

¹² U. S. Department Agriculture, Bureau of Statistics, Nos. 56 and 57.

¹³ Haynes: Third Party Movements, p. 235 and n. 531.

ence was strong and it was turning to politics to control what it apparently could not outside of politics. H. L. Loucks, president of the State Alliance, declared: "It is our fault that the condition of the farmer has become so bad. We have followed the plough with eyes wide open and the political bosses with eyes tight shut * * * we have been so conservative that we have been afraid to act and protect ourselves* * * *." ¹⁴ It may be asked why, if the discontent was so great and the Republican party—supposedly the father of all the misfortunes—so strong, why the farmers did not flock to the Democratic party and use it to turn out Republicans. The reason was that both the old parties were distrusted and cordially disliked. The Republicans had always been controlled by the "money powers" and the administration of Cleveland from 1885 to 1889, just previously, had made it seem obvious that the Democratic party was likewise "controlled". A clean sweep must be made and both parties driven out.

The excitement in South Dakota was intense. The Democratic party hopelessly a minority had been stirring up enthusiasm for a third party, knowing that whatever it did, it could not injure itself and might destroy Republicanism. The Democratic party met at Aberdeen on June 11, to make their platform. It is significant that they dubbed Governor Mellette's attempts to secure relief for the drought sufferers as "disgracing the State by organizing bands of beggars and advertising it (the State) as an arid waste, peopled by paupers" ¹⁵ In attacking the Republicans for this, the Democrats were on dangerous ground; for the farmers thought Mellette had not gone far enough. The convention of the Republicans met on August 27, at Mitchell. While it advocated the utilization of the entire product of our silver mines as money and denounced trusts, it failed to be specific. Both the Knights of Labor and the Farmers' Alliance agreed to hold their convention together at Huron. Here by a vote of 413 to 83, it was decided that the two should unite under the name of Independent Party. H. L. Loucks of the Farmers' Alliance was nominated for Governor; the platform demanded

¹⁴ Chamberlain: Farmers' Alliance, p. 34.

¹⁵ Appleton's Cyclopaedia, 1890, p. 783.

relief for the farmers, against the acceptance of railway passes by legislators and other reforms.¹⁶

The campaign in November was exciting. Charges of corruption were frequent.¹⁷ The Independents showed unusual strength, attracting, of course large numbers of farmers. But though it grew at the expense of the Republicans, it could not defeat them. In a three cornered race, the Independents captured thirty-three per cent of the total vote; standing second.¹⁸ Where the Independents were successful, was in the Legislature. Against the united Democrats and Independents, in the Senate the Republicans had a majority of two, and in the House, they had no majority at all, being four in the minority.¹⁹

This control of the State legislature was to stand them in good stead for at its opening it became necessary to choose a United States Senator. The balloting began early in January, 1891. The candidates of the three parties were changed often in the hopes that one or the other parties might be attracted. February 16, on the 40th ballot, the Independent, Rev. James H. Kyle, was chosen by a fusion with the Democrats. He received seventy-five votes against fifty-five for Sterling, the Republican.²⁰ Considerable excitement was caused in the legislature, and in the State at large, by the resolution passed on February 13, to the effect that it was "a matter of common notoriety, based on what appears to be good authority" that the Independents and Democrats of South Dakota were conspiring with the Independents and Democrats of Illinois to elect a Democrat in that State by Independent aid, in return for electing an Independent with Democratic aid in South Dakota.²¹

The Rev. James H. Kyle, the first Independent ever elected in South Dakota, was a Congregational minister, born in Xenia, Ohio. He was about thirty-seven years of age, had been graduated from Oberlin and the Alleghany Theo-

¹⁶ *Ibid.*, p. 782.

¹⁷ *Journal H. R. S. D.*, p. 39.

¹⁸ *Official Vote of South Dakota*. The vote for Governor was: Rep. 34,487; Ind., 24,591; Dem., 14,484.

¹⁹ *Appleton's Cyclopedia*, 1890, p. 783.

²⁰ *Journal H. R. S. D.*, February 16, 1891, p. 690.

²¹ *Ibid.*, February 13, 1891, pp. 662-663. The vote was yea 57; nay 49, not voting 18.

logical school. He had attracted favorable notice by the Farmers' Alliance in a Fourth of July speech made by him at Aberdeen. He had at first refused to be a candidate, but when it became obvious that no other Independent could win, he consented. He was a man of education and character, though untrained in politics—perhaps for that reason so acceptable to the Alliance. In the Senate he sat upon the Democratic side, and in general supported Democratic policies.²²

It may be thought that here is the beginning of the fusion of Populists and Democrats, which has been made so much of in history. It is not the case at all. It is true that the farmers worked with the Democrats more often than with the Republicans, though in the South it was the other way round, but they had nothing against working with the Republicans, as we shall notice in the re-election of Kyle in 1897. Although outwardly there was apparently a fusion, all three parties inwardly kept their organization. They adopted each others platform and candidates at times, but not their party. In South Dakota there were three parties throughout the nineties. The Independent spirit in South Dakota was strong; even at this date while fusion was beginning in other sections of the country, it was not until 1896 that three party organizations ceased to function separately.

The legislature of 1891, with no party in a majority strong enough to accomplish much, passed surprisingly many laws. The penalties on delinquent taxes were cut down from three to one per cent and the interest on delinquent taxes was cut from twenty to twelve per cent.²³ With little money the delinquent taxes were growing rapidly and the measure found great approval among the agricultural element. Irrigation by artesian wells was encouraged by the legislature²⁴ thus beginning a system to counteract drought which was to be so popular in the next few years. Moreover, beside protecting stock growers²⁵ and attempting to protect farm laborers,²⁶ a

²² Haynes: Third Party Movement, pp. 251-252.

Robinson: Brief History of South Dakota, p. 212.

Appleton's Cyclopaedia, 1891, p. 800.

²³ Appleton's Cyclopaedia, 1891, p. 800.

²⁴ Journal Senate S. D., February 25, 1891, p. 635.

Journal H. R. S. D., February 28, 1891, p. 907.

²⁵ Journal H. R. S. D., January 31, 1891, pp. 474-475.

Journal Senate S. D., February 13, 1891, pp. 485-486.

²⁶ Journal H. R. S. D., January 29, 1891, p. 435.

bill prohibiting an agreement for the paying of mortgage indebtedness in any particular kind of mortgage was passed, despite the fear that business would be timid at coming into the State.²⁷

We have seen that the crops of 1890 were of a decided value over 1889; in 1891 the crops assumed a value as great over 1890 as the previous year was over the year before. It is what is known as a "bumper crop." In 1890 the whole of the two Dakotas raised but 12,030,000 bushels of corn; South Dakota raised 21,018,00 bushels in 1891. The value of the crops jumped from \$6,015,233 to \$7,356,274; the value did not increase proportionally because corn in 1890 was selling for fifty cents but in 1891 for only thirty-five.²⁸ It was the beginning of a series of falling prices due probably to over-production.²⁹ Wheat tells the same story. In all South Dakota in 1890 probably about fifteen to twenty million bushels were produced with a value at about ten million dollars. In 1891, 29,714,000 bushels were produced at a value of \$21,394,240 dollars.³⁰ The greatest miracle of all is that the price did not drop but actually rose from seventy cents to seventy-two cents.³¹ The price of rye rose, too, from forty-seven cents to sixty cents,³² but all the other crops followed corn, for while producing more bushels and having a greater total value than the year before, prices dropped.

In the even years there is normally no legislative session, and so we turn to the crops of 1892—a year in which a national election was to be held. Had the election come early in the year, it doubtless would have gone far worse with the Independents than it did. Other things remaining equal, however the crops of 1892 saved Populism in South Dakota. For the farmers cultivated in corn some 200,000 bushels less, and they naturally expected prices to rise. To their intense disgust they dropped further—from thirty-five cents a

Journal Senate S. D., March 5, 1891, p. 846.

²⁷ Journal Senate S. D., February 14, 1891, p. 495.

Journal H. R. S. D., February 26, 1891.

²⁸ U. S. Dept. Agriculture, Bureau of Statistics, No. 56.

²⁹ Sanford, Agriculture in U. S., p. 229.

C. S. Walker, Farmers' Movement in Annals of the American Acad. of Pol. & Soc. Science, March, 1894, IV, No. 5, p. 790.

³⁰ U. S. Dept. Agriculture, Bureau of Statistics, No. 57.

³¹ Ibid.

³² Ibid., No. 59.

bushel to thirty-three. The result was a crop some million and one half dollars less valuable.³³ The other great crop of South Dakota wheat was even more discouraging. Encouraged by the results of 1891, more fields were planted and two million bushels more than ever before were produced. The price dropped twenty-one cents per bushel, and the value of the South Dakota crop sank five million dollars.³⁴ Every crop except the potato saw a decrease in price, and even in that the total value was less than a half million more.³⁵ The farmers failed to realize that crops throughout the world were normal in 1892 and that due to the great crops of 1891 there was still a large surplus on the market.³⁶ The fact that the farmers did realize was that they were working hard, living thriftily, raising good crops—and prices fell nevertheless.

The parties met in their State conventions during the summer. The Democrats launched their general attack on the Republicans, the Independents reiterated their demand for reform. Only the Republicans were specific. They "urged legislation to secure agriculture in arid land * * * aid for * * * artesian wells * * * legislation to prevent dealings in option of agricultural products by speculation * * * control of trusts * * * regulation of the railroads."³⁷ Were the Republicans at last about to hearken to the Populists' demands in South Dakota?

Nor did the national convention of Populists at Omaha altogether suit South Dakotans. General Weaver of Iowa was nominated as a candidate and Senator Kyle of South Dakota was also. It was felt that Weaver was of the "old guard" by South Dakotans; he had represented Greenbacker and plenty of other "isms" in his day and it was their desire to infuse new blood into the movement in the person of Senator Kyle. After a sharp struggle, the presidential nomination went to Weaver—995 votes to 265. New Hampshire, Vermont, Rhode Island, Maryland and South Carolina were unrepresented. The greater part of Kyle's support came from Arkansas, ten

³³ *Ibid.*, No. 56.

³⁴ U. S. Dept. Agriculture, Bureau of Statistics, No. 57.

³⁵ *Ibid.*, Nos. 58-65, *passim*.

³⁶ Buck: *Agrarian Crusade*, p. 103.

³⁷ Appleton's *Cyclopedia*, 1892, p. 707.

votes; Colorado, ten votes; Georgia, thirteen votes; Illinois, forty votes; Massachusetts, eighteen votes; Montana, twelve votes; Nevada, seven votes; Oregon, twenty-two votes; South Dakota, fifteen votes; Wisconsin forty-one votes.³⁸ Undoubtedly had Kyle been nominated rather than Weaver, the Populists would have accomplished much more than they did in the election.

As it was the Republicans carried South Dakota; Republican electors, Federal Congressmen and Governor were elected. In the House, the Independents could muster but 14 to the Republicans 64 and in the Senate but 6 against 33. Compared with the votes for Governor in 1890, the Independents were losing not only in total numbers but in percentage. Actually the vote dropped 2,067 and was a decrease of 2 per cent in the total. The Democratic vote remained the same, and even the Republicans actually lost about a thousand.³⁹ The vote is to be explained in several ways. We have noticed that the crops of 1891 were satisfactory and the crops of 1892, while unsatisfactory regarding price, yielded only a little below normal in total value; the efforts for relief of the Republicans in office probably made some favorable impression; and, too, the Republican State platform was distinctly encouraging. More especially, however, since it is safe to assume that in a presidential year the total vote would be larger rather than smaller than in an off-year election, it becomes noticeable that in 1892 the whole vote was less than in 1890. This is due to the decrease of population which was hitting South Dakota hard. Areas that had been filled in during the Great Boom were being rapidly abandoned. Since those who removed were the discontented, and the discontented made for Populism, it is the Independent vote which suffers first from a loss in population. This last factor does much to explain why the Independents were losing ground.

The third legislature met early in 1893. The Republicans, safe in control, turned to the farmers and offered their usual "safe" remedies; especially were they turning to irrigation by artesian wells. There were already about one hundred

³⁸Haynes: Third Party Movement, 262, and n. 586.

³⁹World Almanac, 1893, pp. 370-371.
Appleton's Cyclopaedia, 1892, p. 708.

such wells in South Dakota, built, many of them by public aid. A bill was passed encouraging their construction;⁴⁰ another bill encouraged the building of reservoirs to store the surplus water and to regulate its usage;⁴¹ State aid was given controlling cattle shipments,⁴² and certain laws lightening mortgage burdens were passed.⁴³ Other than this, little was done.

But the Independent leaders were beginning to see things in a new light: first it was not so much relief for farmers per se that was necessary as a more definite stand on other reforms: control of railways, enlarged currency and the stopping of political corruption. Some were urging closer cooperation with the Democracy—and certainly the Democracy was not adverse to such cooperation. Then, too, closer cooperation with the national People's movement was necessary. The affair in the Omaha Convention had temporarily discouraged South Dakotans, but the desire for harmony was growing again, especially, since with their aim diverted to larger questions, the national government itself must be controlled. Affairs were obviously going badly with Independency in South Dakota; it was decided that interest should again be aroused among the people by having county commissioners hold meetings "for the purpose of filling up the ranks of the faithful." The meetings were to be "conducted on the same principle as the oldtime religious revival meetings."⁴⁴ When we read of the scenes in Populistic conventions, the spirit that burned in the Plains like that of the First Crusade, we can well imagine what took place in these "revival meetings." Little wonder that New England, who knew little enough of the trouble, should have thought the west gone mad.

The condition of crops in 1893 presented a disgusting sight to the farmers. Practically as much corn was produced as in the "bumper" year of 1891. But the price dropped at

⁴⁰ Journal H. R. S. D., February 25, 1893, p. 944.

Journal Senate S. D., March 3, 1893, p. 985.

⁴¹ Journal H. R. S. D., February 25, 1893, p. 933.

Journal Senate S. D., March 1, 1893, pp. 909-910.

⁴² Journal H. R. S. D., February 7, 1893, p. 442.

Journal Senate S. D., February 28, 1893, p. 895.

⁴³ Appleton's Cyclopaedia, 1893, pp. 693-694.

⁴⁴ Haynes: Third Party Movement, p. 276 and n. 621.

a terrific rate being ten cents lower than 1891 and eight cents lower than 1892. As a consequence, the crop was worth only \$5,127,922 going lower than ever before.⁴⁵ Wheat took a worse slump; 11,000,000 bushels less were produced than 1892 and still the price dropped. From seventy-two cents in 1891 to fifty-one cents in 1892 and now to forty-four cents in 1893. The total value was \$9,029,411, being seven million dollars less valuable than the year before.⁴⁶ Other crops were not so bad. While decidedly of minor importance, barley, buckwheat and rye saw the price remaining stationary, or rising, but as less and less was being raised each year, the total values were scanty.⁴⁷ Oats, the third largest crop, saw a two cent rise in price per bushel, and a total value remaining stationary.⁴⁸ Hay and potatoes did nobly, having both prices go up and total value increase.⁴⁹ But when hay and potatoes increased it was indicative of what was happening to the great staples of corn and wheat.

We are apt to wonder why it was that the farmers stood for so much. It would seem obvious that the thing to do was to seize power and better conditions. But we must consider that the farmers were naturally conservative; the New Englanders and their children were in the ascendancy and hint of racial aloofness came to the fore every now and then.⁵⁰ These English-Americans were not yet ready to unite with "foreigners" to destroy so sacred a thing as the Republican Party. More especially, however, it seems as though some terrible jolt was needed to destroy that loyalty to tradition, which previous misfortune had been unable to do. And the jolt was coming in the terrible years of 1894 and 1895.

The panic of 1893 began to be felt in South Dakota in the following year. The history of that panic is well known and need not be discussed. Suffice it to say, it hit the farmer with terrific impetus. A dreadful stringency in money resulted, and banks refused to loan. During 1894,

⁴⁵ U. S. Dept. of Agriculture, Bureau of Statistics, No. 56.

⁴⁶ *Ibid.*, No. 57.

⁴⁷ *Ibid.*, Nos. 58, 60 and 61.

⁴⁸ *Ibid.*, No. 59.

⁴⁹ *Ibid.*, No. 62, 63.

⁵⁰ Visher: *Geography of South Dakota*, pp. 109, 158.

twenty-five banks failed in South Dakota.⁵¹ Money was worse than scarce; it was unobtainable.

On top of this, the crops failed with a completeness unparalleled. A long and burning drought began early and continued throughout the season. Wheat in the north was badly fixed, but corn in the south was ruined. June is a particularly critical month for rainfall. When we consider that less than three inches in the month is most serious, the fact that the wheat growing area had only four inches, while the corn area had less than one and one half,⁵² the ruination of the crops was obvious. Only a million and one half bushels of corn were produced—twenty million less than in 1893. It was unheard of; its value was less than half a million, for while prices soared to forty-six cents a bushel, the crop was so small that it netted the farmers nothing.⁵³ Wheat dropped five million bushels in production, prices rose but two cents and the total value dropped its lowest to \$7,329,757—two million less than 1893.⁵⁴ Oats dropped in value two million dollars, being eleven million bushels lower than the previous year. Barley and buckwheat nearly dropped out of existence. Even potatoes failed miserably. Hay alone withstood the drought,—a small comfort.⁵⁵

Fortunately for the Republican party the actual failure was not known in the 1894 election,⁵⁶ and what was surmised at, was not strong enough to swell Independency to any great extent. What did happen was that the Republicans again carried the State though not as they had in 1892. The Governor and Federal Congressmen were re-elected; in the House and Senate the Democracy disappeared; the Independents in the former captured 25 of the 126 seats and in the latter 10 of the 43 seats. In the vote for Governor the Independent vote increased from its low ebb of 31 per cent in 1892 to 35 per cent. Slowly the voters were turning to the Populists.⁵⁷ Make the most of it, Orthodoxy, for new things are at hand!

⁵¹ Appleton's Cyclopedia, 1894, p. 720.

⁵² Johnson, South Dakota, p. 56.

⁵³ U. S. Dept. Agriculture, Bureau of Statistics, No. 56.

⁵⁴ Ibid., No. 57.

⁵⁵ Ibid., Nos. 58-65.

⁵⁶ The actual results were not known until December.

⁵⁷ Appleton's Cyclopedia, 1894, p. 427.

The year 1895 was a year of revelation. Delinquent taxes amounted to \$142,867.68;⁵⁸ mortgages were being foreclosed. And the legislature invoked with steady rigor its Constitutional prerogative of levying fines on the delinquents. The Governor could congratulate the people that the credit of the State was being saved, that South Dakota was standing out against legislation unfriendly to her business interests.⁵⁹ It was not what the people wanted; they would have none of it. And while the distress of the people went unheeded, the legislature was passing laws compelling the flag to be flown over each schoolhouse and prohibiting races on Memorial Day.⁶⁰

The blundering stupidity of the Republicans is beyond comprehension: that they did not realize the coming storm in their State seems almost impossible; but whether they realized or not, it was not heeded. To make matters worse, the corruption in the State government reached its climax. The State treasurer embezzled \$367,020.50, a serious sum considering the financial status of the State. Worse than the embezzlement was the outstanding fact that a mere five year imprisonment was cut down to two. Other investigation revealed corruption unlimited in the management of the State's funds.⁶¹

Obviously crops could be no worse in 1895 than they were in 1894. The question was how much better would they be. Despite the great advances made in irrigation by artesian wells—137 had been constructed since 1891 of which 37 were in the last two years⁶²—crops were bad. Irrigation was not the sole panacea for the drought. But 12,423,442 bushels of corn were raised; prices were worse than ever, having again dropped, despite the shortage of the year before. The value did not reach three million dollars.⁶³ Wheat was better. Rainfall in the northeastern part of the State was adequate and a crop as large as in 1891 was harvested, but prices sagged and the value was but four million dollars more

⁵⁸ Journal H. R. S. D., January 8, 1895, p. 20.

⁵⁹ Ibid.

⁶⁰ Appleton's Cyclopedia, 1895, p. 707.

⁶¹ Appleton's Cyclopedia, 1895, p. 706.

⁶² Journal H. R. S. D., January 8, 1895, p. 41-42.

⁶³ U. S. Dept. Agriculture, Bureau of Statistics, No. 56.

than the low year of 1894.⁶⁴ Oats rose in value but all other crops persisted in sub-normalcy.⁶⁵

The year 1896 made it obvious that the trouble, festering so long, was about to burst forth. The Democratic party held its first convention at Aberdeen on May 20, 1896. It declared itself, "in favor of the present standard of values in our money system* * * * * and not in favor of free and unlimited coinage of free silver at the rates of 16 to 1."⁶⁶ The Republicans met two months later in the same place. It was a heated meeting. It declared itself opposed to harsh railway regulation, favored destruction of the trust, and the gold standard. As soon as the platform was adopted, twenty-one delegates who favored free silver left the convention and prepared an address urging the Republicans of the State, to aid "in the restoration of silver to its position as standard money." Committees on ticket and platform were appointed to cooperate with like Independents. Indeed these silver Republicans proposed to the People's Convention that they accept Bryan as their candidate.⁶⁷ The Populists met at Huron July 14th. Many Democrats, obviously those disgruntled with the gold platform of the Democracy, were then trying to secure the concerted action of the two parties. Concessions were made on both sides, but free silver won. Its platform declared for various reforms which in general all Populists stood for, but most particularly, it demanded strict control by the State of railway lines within its borders.⁶⁸ The People's Party was dissatisfied with encouragement for artesian wells and protection for cattle raisers as exclusive remedies. They had decided that South Dakota had better strike at the railways, secure money in the form of free silver, and raise prices on the crops in this fashion. A second Democratic convention met later and swung into line accepting both the Populists' platform and ticket—a vast change from their previous gold position. They had heard from the national convention at Chicago.⁶⁹

⁶⁴ Ibid., No. 57.

⁶⁵ Ibid., No. 59.

⁶⁶ Ibid., 1896, p. 707.

⁶⁷ Appleton's Cyclopaedia, 1896, p. 707.

⁶⁸ Ibid.

⁶⁹ Ibid., p. 708.

The campaign was filled with the utmost excitement. It was not only statewide but national. It is erroneous to suppose the Democrats "absorbed" the Populists; if anything the Populists absorbed the Democrats. But both parties maintained the political individuality and waged their own campaign. With the tremendous Bryan standing at the head of both parties, speaking several times within the State, the contest grew hotter and hotter. The Republicans, divided, waged a fighting campaign. All the established interests of the State gathered round them; the gold Democrats deserted to them. But would the gold Democrats compensate for the loss of the silver Republicans? The years of bad crops, panics, railway arrogance, political corruption all told against them; and after all the Populists now had a leader—something they had not realized the need of until he came.⁷⁰ After all it was

".....our Bryan

The bard and prophet of us all.

Prairie avenger, mountain lion

Bryan, Bryan, Bryan, Bryan.

Gigantic troubadour, speaking like a siege gun

Smashing Plymouth Rock with his boulders from the West

Defying autocracy.....

And bidding the eagles of the West fly on

Bidding the eagles of the West fly on."⁷¹

It was a close election. The Populists won in the contest for Governor and Attorney General; they elected the three railway commissioners and the Federal Congressmen. All the other officers were Republican. In the state legislature, however, the majority was eight in both houses. The closeness of the vote is shown that no party secured a majority in the gubernatorial contest since the insignificant prohibition party prevented it. Lee, the fusionists' candidate, received 41,189 votes to 40,868 for Ringsrud his Republican

⁷⁰ MacDonalld Valient "Strength and Weakness of the People's Movement" in Arena, May, 1892, p. 731.

⁷¹ Lindsay: Golden Whales of California, etc., pp. 22-24.

opponent. The fusion had captured the Governor by 331 votes out of over 82,000 votes cast.⁷²

Andrew E. Lee, the new Governor, had been born in Norway in 1847. As a child, he lived in Dane county, Wisconsin, where he was educated. After having clerked in McGregor, Iowa, some years, he had removed to Vermillion, Clay county, Dakota. He had been both a farmer and a merchant.⁷³

Who reaped the benefit and the blame for the crops of 1896 is hard to determine. The campaign was of such intensity all through the summer that people's minds were not on their farming. Probably the Republicans got the blame and the Fusionists the credit. The corn crop surpassed by over ten million bushels, the great "bumper" crop of 1891; but prices reached their lowest ebb, going to eighteen cents a bushel and consequently the total value while normal was two million dollars less than that of 1891.⁷⁴ Wheat, on the contrary, while not so large as either 1891 or 1895 was of great size—27,583,450 bushels—and prices went soaring to sixty-two cents a bushel,—twenty-four cents higher than the previous year. Consequently the farmers reaped a benefit from their crop.⁷⁵ With the exception of hay and barley, all other crops declined but not badly. In general the value of farm animals began to rise from the low value to which they had sunk.

As the new legislature came in in 1897, politics took on a new turn. It was not too idle an imagining to believe with what hopes it was regarded, and whether mistaken or not, with what seriousness it determined to change the old order into a new. Governor Sheldon in his farewell address warned the legislature not to attack too viciously the railways—it was the same plea that had gone up for six years—South Dakota needs railways and too much regulation will stop roads from building.⁷⁶

The address of the new Governor is particularly impressive, and particularly sincere. There was no gloating in

⁷² Appleton's Cyclopedia, 1896, p. 708.

⁷³ National Cyclopedia of Am. Biog., XIII, p. 558.

⁷⁴ U. S. Dept. Agriculture, No. 56.

⁷⁵ U. S. Dept. Agriculture, No. 56.

⁷⁶ Journal H. R. S. D., January 8, 1897, p. 81.

victory, only a steadfast determination that the pledges to the people should not be forgotten. "As for myself I have been elected from the ranks of the plain people in their hope and desire* * * * for a practical business administration of their affairs. If I am to meet their expectations, it must be along these lines alone for I bring to the position no political training or experience in statecraft * * *. We are a new and untried party. * * * Let us so conduct ourselves that when our work is finished we shall have no apologies to make. The majority is charged with the responsibility of leading in the measures which will be considered* * * if that majority fail to do its work no excuse will be accepted * * * (But) it must be remembered that our election as the representatives of a certain political party does not release us from our responsibility to the whole people * * * The responsibility given us affords us * * * the duty of proving * * * that the Populists and their allies in the late struggle are not destroyers of public credit * * * not wreckers of States, not repudiators, but like the rank and file of all parties are patriotic and honorable citizens * * * ."77

Turning then to the matter which the Populists had nearest their hearts, since free silver was lost, to remedy their conditions, the Governor said: "Without question the most necessary and important piece of legislation to be passed by the present legislature is a statute regulating the freight and passenger tariffs on our railroads. The majority of the legislature and the executive are pledged * * * * to enact the measure known * * * * as the 'Wheeler Bill,' being a copy of the Iowa law which has successfully withstood in the courts every assault made upon it."⁷⁸ The Governor repeated the history of the Bill; he pointed out the corruption in the legislature by railway lobbies; he begged the Bill be passed early that it might not be "amended to death." Little has been said of the history or of the controversy between the railways and the Populists. It is a most important phase of the question, indeed, in these days after 1896 the all important question. What the farmers, briefly, were complaining

⁷⁷ Journal H. R. S. D., January 8, 1897, pp. 29-31.

⁷⁸ Ibid., p. 32.

of is this. "The rates paid by our farmers on produce exported and merchandise imported are so greatly in excess of rates paid in other States for the same services that our producers are deprived of a fair profit on their labor. Our cities and towns are so discriminated against in favor of outside jobbing points that commercial growth in our midst is impossible * * *. Inquiry into any railroad office in the State will prove that the rate on corn to all points in the central part of the State is greater per bushel than the first cost of the corn in the southern part of the State. This entirely prohibits external commerce and forces the shipment of corn to the Chicago market when many times it could more profitably be sold within the State. Again the coal rate is exorbitant. The rate to Sioux City from the nearest mine, a distance of 430 miles, is \$1.76 per ton, while the rate to Vermillion, only thirty-three miles further is \$2.50 per ton. The rates charged for passenger service are no less exaggerated * * * *."

"The people are far more patient in enduring exorbitant charges * * * * than the railroads have a right to expect. But there comes a time when forbearance ceases * * * *."⁷⁹ That time had come. The first bill introduced into the Senate was the "Wheeler Bill;" the fight was long and arduous; after sixteen days it passed the Senate and the House accepted it five days later.⁸⁰

The old reforms were not forgotten. Something was done again for artesian wells, and some reforms in mortgage conditions were undertaken.⁸¹

What shows the separation of the parties although Democrats and Populists were sitting in the legislature under the name Fusionists is the re-election of Senator Kyle. Although his election in 1891 had come about through a combination of Democrats and Independents, the Independents this time could muster no Democrats to his support. Their majority was not great enough to elect him by their own support alone and they turned to the Republicans, who for some rea-

⁷⁹ Journal H. R. S. D., January 8, 1897, pp. 32-34.

⁸⁰ Journal Sen. S. D., January 7, 1897, p. 52; Jan. 18, 1897; pp. 194-195; January 23, 1897, p. 274.

Journal H. R. S. D., January 23, 1897, p. 352; January 28, 1897, p. 437.

⁸¹ Journal H. R. S. D., 1556.

son, supported them. And he was re-elected by the combined support.⁸²

During the year 1897 and the following year, crops steadily improved. In 1897 the price of corn rose to twenty-one cents a bushel. Wheat rose to sixty-nine cents, all the other crops rose likewise. No crop but hay was there which did not see a rise in price. True the total value of each crop was not always so great, but it was not much smaller and rising prices were encouraging.⁸³ The crops of 1898 were not quite so successful, but corn prices rose as did oats, barley and hay. Wheat dropped badly—from sixty-nine cents to fifty cents a bushel—and the other crops lowered slightly. But in every case except potatoes and barley which really did not count, whether prices were rising or falling the total value was much larger than in 1897. Farm conditions were distinctly improving.⁸⁴

How did these bettering crop conditions affect the political situation in 1898? Would improved conditions spell the downfall of the Populists or would it aid them? It is impossible to say. Other things were not remaining equal. The new railway regulation law passed in 1897 won much popularity, but the Spanish war was not auguring well for any opponent of Republicanism. Besides gratitude is short lived, and with the bettering crops, there was a feeling that the Populists' work was done.

The Republican party on August 24 in their convention declared again for the gold standard and for the new law the Populists had passed against railways.⁸⁵ It was an attempt to steal their opponents' thunder—a favorite device of either party when occasion demanded. The State Central Committee of the People's Party, in deciding upon the time and place for the convention considered a resolution to ask the Democrats and Free-silver Republicans to hold their conventions with them. This caused much dissension within the Populists' ranks, from the "Middle-of-the-Road" Populists, who feared both parties. The resolution was finally modified

⁸² *Ibid.*, January 19, 1897, p. 250 et February 18, 1897, p. 943.

⁸³ U. S. Dept. Agriculture, Bureau of Statistics, Nos. 36-65.

⁸⁴ U. S. Dept. Agriculture, Bureau of Statistics, Nos. 36-65.

⁸⁵ Appleton's Cyclopedia, 1898, p. 703.

to "invite all opposed to the gold standard and the gold worshipping Republican party" to unite with the Populists in their campaign. The Democratic State Committee appointed a convention at the same time and place. Resolutions were passed favoring the Populists in their platform. The Free-silver Republicans likewise met with the Populists and hoped that "all forces supporting the reforms urged by the People's Democratic and Silver Republican party in the campaign of 1896" might vote for the Fusion ticket. The platform of the Fusion was as in 1896—silver coinage at 16 to 1, a free home bill, public ownership of public utilities, etc. "We heartily commend and endorse the reform forces in the recent legislature for the enactment of the present railroad law." Republicans were condemned, in true campaign style, for attempting to evade the law.⁸⁶

Although an off-year election, it created as much excitement as 1896 had done. The result was as close as 1896 as well. In about 75,000 votes the Fusions re-elected Governor Lee by 370 votes; but all the rest went against them—the State officers, the Federal Congressmen, and worst of all, the legislature. The Republican majority in the Senate was 11; in the House 31. Steps were taken to contest Governor Lee's re-election, but they were abandoned.⁸⁷

The laws of 1899 were unimportant. The veto was exercised with great, really with remarkable, caution. There was no attempt to overturn the railway bill; indeed all parties were pledged to it and it stood in no harm. The Governor was correct when he declared that "industrially speaking the State has never been in a better condition than it is now. The first few years of our existence brought many disappointments, the results of great commercial enthusiasm, followed by over-speculation, failure of crops and business stagnation. For the last few years, our crops have been good and during the last two years prices have been fair. * * * * The effects of the awful panic are beginning to wear away. * * * * The experimental period is now in the background."⁸⁸ It was

⁸⁶ Appleton's Cyclopaedia, 1898, p. 703.

⁸⁷ *Ibid.*

⁸⁸ Journal H. R. S. D., January 8, 1901, p. 33.

like the peroration of the great political movement that was now, obviously to all, rapidly losing its hold.

The condition of the farmers steadily improved. The price of practically every crop was rising. The value of the crops was increasing. It looked as though 1899 and 1900 were to be the beginning of a period as prosperous as the days of the "Great Boom," but this time, of a prosperity more healthy and sound than that of the earlier period.

The national convention of the Populists at Sioux Falls in 1900 need not detain us. The work of South Dakota in Populism was done. The national convention was torn with strife. The "Middle-of-the-Road" Populists refused to attend and held their convention at Cincinnati. The brilliant Senator Pettigrew, elected by South Dakota Republicans, abandoned his party courageously just when it was returning to its own, and joined the Populists at Sioux Falls. He was later to become a Democrat.⁸⁹ An exciting fight developed among the Populists as to whether there should be complete fusion with the Democrats or not. Butler of South Carolina and Pettigrew held out for party individuality. But Allen of Nebraska and Simpson of Kansas fought for union and won 492 to 268.⁹⁰

The State convention of Populists and Democrats had already decided to try another fusion. Governor Lee was commended; the railway bill praised, but their program lacked decisiveness, and more, lacked reforms that went directly to the heart of the people. It was well enough to preach the initiative and referendum but a great party could not then be built upon it. Perhaps the Populists' work was done. The Republicans, when they met, stole all the rest of the Independent thunder, by praising the administration of Governor Lee, which was about all the Populists had done, but nominated Herreid for Governor.⁹¹

The election was a Republican landslide. The Governor was elected by a majority of thirteen thousand. Every office in the State went Republican. In the Senate their majority

⁸⁹ Whelpley: Convention of the Populists in the Independent, May 17, 1900, p. 1192.

⁹⁰ Ibid.

⁹¹ Appleton's Cyclopedia, 1900, p. 653.

was 33 and in the House 78.⁹² It was partly that the Fusionists were handicapped with a new leader—Lee having served twice. It was partly the dissension within the ranks of Independency, and considering the vote of even their victorious years, 1896 and 1898, it is obvious they could survive no dissension, but we must come to the conclusion, finally, that the Populists had done their work. Born from discontent, they had pointed the way to reforms as well as accomplishing them. Certainly sincere, whether mistaken or not, these attempts were admirable. South Dakota, too, with its orderly, though less picturesque, methods at reform, offers a rather pleasing contrast to, say Kansas. It was the last rising of the frontier.

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JAMES H. KYLE.
UNITED STATES SENATOR FROM SOUTH DAKOTA
1891-1901

By Harold Quinion.

James H. Kyle was born in Greene County, Ohio, February 24, 1854. His father served in the army during the Civil War, and in 1865 he moved to Champaign County, Illinois where his children could secure an education. The son was graduated from the Urbana High School and in 1871 he entered the state university.

In order to finish college Mr. Kyle worked on a farm and taught school. This struggle developed character and manly qualities which were very pronounced in later years. His ambitions and hard work continued at the Western Theological Seminary, Allegheny, Pennsylvania, where he gave private lessons in Greek, Latin and Mathematics in order to complete his work.

After graduation Mr. Kyle became pastor of a church at Mt. Pleasant, Utah. The climate in this locality was not conducive to his wife's health, so he moved to South Dakota where a change and improvement might come. He became pastor of the Congregational church at Ipswich and later obtained a pastorate at Aberdeen.

In 1890, Mr. Kyle was elected as an Independent to the state Senate. He had delivered a Fourth of July speech which attracted attention and which placed him before the state legislature as a candidate for the United States Senate. On the fortieth ballot he received seventy-five votes and was declared elected. This was the result of Democratic and Independent fusion. Several groups were disappointed, and when other elections were known a wide-spread belief developed to the effect that the Democrats had helped the Independents in South Dakota for the Independent support of the Democratic candidate in Illinois.¹

¹ Annual Cyclopaedia, Vol. 16, 1891. Page 800.

Mr. Kyle took his seat on the Democratic side of the Senate Chamber. He remained loyal to his constituents and won the respect and admiration of all his associates. During his membership in the Senate he was Chairman of the Committee on Education and Labor, and served as a member of the committees on Irrigation and Reclamation of Arid Lands, Patents, Indian Depredations, Territories, Indian Affairs, Forest Reservations and Protection of Game. He was appointed Chairman of the United States Industrial Commission created by an act of Congress June 18, 1898, and continued to serve in this capacity until his death in July 1901.

As a Citizen of South Dakota

As a citizen of South Dakota Senator Kyle desired to see the Indians taught industrial trades.² A practical education was necessary but in case the Indians wished to attend college they should do so at their own expense.

Politics and un-business-like methods were known to exist in the Indian agencies. In order to avoid partisan policies on the frontier and to institute efficient and honest administration it was considered best by students of this question to place these agencies under military supervision. Cattle under the civilian agent were sold to the United States government the second or third time. Indians were often paid in checks and, being one hundred miles from a bank, were at a disadvantage in getting them cashed. Friends of the agent generally thrived at the Indian's expense by cashing these checks at eighty cents on the dollar.³

Among the numerous things which Senator Kyle endeavored to secure for his state were military posts at Fort Meade⁴ and Forest City,⁵ public buildings at Aberdeen⁶ and Pierre,⁷

² Congressional Record, 56 Congress, 2d Session, Vol. 34. Part 1. Page 266. An appropriation of \$37,000 was proposed by him for the use of the Indian school at Rapid City, South Dakota, and a \$19,000 appropriation at Chamberlain.

³ 52d Congress, 1 Session, Vol. 23. Page 2400.

⁴ 56 Congress, 1 Session, Vol. 33. Part 1. Page 2016. Adversely reported back from the committee on military affairs.

⁵ 52 Congress, 1 Session, Vol. 23. Part 3. Page 2080. Referred to committee on military affairs.

⁶ 53 Congress, 1 Session, Vol. 25, Part 1. Page 287. Referred to committee on Public Buildings and Grounds.

⁷ 54 Congress, 1 Session, Vol. 28. Part 1. Page 39. Referred to committee on Public Buildings and Grounds.

bridges across the Missouri near Oacoma⁸ and Forest City⁹ reservoirs on the headwaters on the Big Sioux¹⁰ and improvements at Pierre, Yankton and Elk Point.¹¹ He also suggested the establishment of a mint at Deadwood.¹²

The artesian basin was prominent in the semi-arid lands of South Dakota, east of the Missouri river. Artesian wells could be utilized to overcome the deficiency of rainfall in the arid districts. The Geological Survey estimated a depth of 1,800 feet for each well. Five dollars a foot was the lowest bid, so an additional appropriation was desired and Mr. Kyle introduced a bill to this effect.

Experimental work under the agricultural college was advocated by him.¹³ It was thought that irrigation methods could be devised which would make the arid lands more productive. By demonstrating the feasibility of irrigation for practical purposes the government could more readily get settlers for the 125,000,000 acres of public lands over the great artesian bodies which it owned.

Ministerial Duties

Mr. Kyle, as Senator from South Dakota believed in good morals, ethics and the regulation of the liquor traffic. His stand on these questions may have been due to his previous duties as a minister.

A proposal to amend the Constitution relating to marriage and divorce was suggested.¹⁴ Uniformity on these subjects would abolish conflicting statutes and disgraceful episodes.¹⁵ International difficulties as to family relations and property rights would be settled.

⁸ 55 Congress, 3 Session, Vol. 32. Part 1. Page 167. Reported back from committee on commerce with amendments. President approved Jan. 28, 1899. Page 1238.

⁹ 53 Congress, 3 Session, Vol. 27. Part 1. Page 927. Reported back from committee on commerce with amendments. Page 1526.

¹⁰ 56 Congress, 2 Session, Vol. 34. Part 1. Page 213. Referred to committee on Irrigation and Reclamation of Arid Lands.

¹¹ 55 Congress, 3 Session, Vol. 32. Part 2. Page 1416. An appropriation of \$200,000 was submitted as an amendment Feb. 3, 1899 and referred to committee on Commerce.

¹² 56 Congress, 1 Session, Vol. 33. Part 1. Page 86. Referred to Committee on Finance.

¹³ 53 Congress, 3 Session, Vol. 27. Part 4. Page 2892. An amendment was decided not to be in order.

¹⁴ 56 Congress, 1 Session, Vol. 33, Part 1. Page 97. He introduced a bill to this effect. It was adversely reported from the committee on Judiciary.

¹⁵ 52 Congress, 1 Session, Vol. 23. Part 1. Page 792.

Selling of intoxicating liquors in the Senate wing of the capital should be prohibited,¹⁶ and gambling in the District of Columbia ought to be suppressed.¹⁷ A Sunday rest day was needed.¹⁸

Educational Matters

One of Senator's Kyle's favorite measures in which he was deeply interested was a national university. This, he believed, would be beneficial to the nation.

The government had long voted appropriations for Howard University in the city of Washington. Mr. Kyle was interested in this school partly for the reason that he was on the Committee of Education in the Senate and also because the administration of funds had been called to his attention. The law department always suffered and Senator Kyle proposed to remedy this situation by voting a specific sum to this department rather than let the school budget distribute the allowance. It was also necessary that they have a competent library so that the students would not hinder individuals in the library of the Supreme Court.¹⁹

A novel educational scheme was suggested in connection with the Post Offices: A room in these buildings should be set aside for government publications. Citizens, then, could enjoy free access to the wide-spread information in these books.

Labor Problems

The question of labor interested the Dakota Senator greatly. He believed that additional restrictions should be placed on immigration²⁰ and especially upon the Chinese.²¹ He advocated a revision of the wages of certain employees of the Government Printing office. Limitation of hours of the

¹⁶ 53. Congress, 2 Session, Vol. 26. Part 8. Page 8507. Referred to Committee on Rules.

¹⁷ 53 Congress, 2 Session, Vol. 26. Part 4. Page 3446. Mr. Kyle voted yea on this bill. Passed 24-21. April 4, 1894.

¹⁸ 53 Congress, 2 Session, Vol. 26. Part 7. Page 3688. Mr. Kyle introduced bill for Sunday Rest Day. Referred to committee on Education and Labor.

¹⁹ 53 Congress, 2 Session, Vol. 26, Part 8. Page 8115ff. Amendment agreed to giving the law school annual allowance of \$8,000.

²⁰ 55 Congress, 2 Session, Vol. 31. Part 1. Page 689. Mr. Kyle voted for restriction.

²¹ 52 Congress, 1 Session, Vol. 23, Part 4. Page 3624. He voted for exclusion April 25, 1892.

daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia would be beneficial to domestic labor.²² A labor commission was necessary.²³ Citizens of the United States engaged in labor in foreign countries needed protection.²⁴

Railroad-labor controversies should be arbitrated. It was Mr. Kyle's bill concerning carriers engaged in Interstate commerce²⁵ which was debated in the Senate only to be replaced by a House bill of a similar character. This was approved by the President June 1, 1898.²⁶

But the outstanding part of Mr. Kyle's work in the interest of labor was the bill introduced by him designating the first Monday in September of each year as Labor Day.²⁷

Agriculture

Agriculture was the prominent question in South Dakota. It was during these years that the state suffered from poor crops. The food supply of the country was diminished and probably many substitutes were offered to the people. This led Senator Kyle to advocate an investigation into the adulteration of food products so that the nation as a whole would be benefited; and he desired a bureau of domestic science to be established to interest young people in the value of foods.

He believed that diversified agriculture was growing in importance in South Dakota. Creameries were being built and dairy farming carried on. The people needed to be informed on the subject of cattle and dairy farming, and for this reason he advocated an amendment to the appropriation bill to have Special Reports published on these subjects and sent to the farmers.²⁸

²² 55 Congress, 2 Session, Vol. 31. Part 3. Page 2068. Bill introduced by Mr. Kyle and referred to committee on Education and Labor. Later debated in next session of Congress.

²³ 55 Congress, 3 Session, Vol. 32, Part 1. Page 287. He introduced an amendment to the bill which was referred to the committee on Education and Labor. Reported back. Page 401.

²⁴ 54 Congress, 2 Session, Vol. 29. Part 1. Page 232. Bill referred to committee on Education and Labor.

²⁵ 55 Congress, 2 Session, Vol. 31. Part 2. Page 1645.

²⁶ Ibid. Part 5, Page 5566.

²⁷ 53 Congress, 2 Session, Vol. 26. Part 7. Page 6684. This bill was approved by the President June 28, 1894.

²⁸ 54 Congress, 1 Session, Vol. 28. Part 3. Page 2379.

A forestry commission ought to be created.

In the semi-arid regions ditches needed constructing for irrigation purposes. After improving these areas a water cost plus the present price should be charged.

Cattle raising was conducted on Indian reservations. When the government purchased stock it would be better to let the contracts to the Indians as this would encourage them to raise stock and produce more agricultural products.

District of Columbia

Mr. Kyle was interested in the incorporation of the National Gas and Electric Light, Heat and Power Company of the District of Columbia. Gas was costing \$1.50 per thousand and citizens contemplated the idea of organizing a company and producing gas for the public buildings at Washington for 60 cents and to the city inhabitants for 75 cents per thousand. It could be produced, they said, at 30 cents per thousand.²⁹

Streets and avenues in the district were essential to the city's growth, and the extension of sewers for sanitary purposes was necessary. It was proposed to issue bonds for these improvements but Mr. Kyle contended that private owners should pay. Economy was practical and besides opening of new streets in the suburbs was in the interest of real estate speculators. The people needed more currency, not more bonds.³⁰

National Interests

Senator Kyle considered national questions of great importance. He introduced bills for public ownership of telegraphs and the establishment of postal savings banks. Economy in Post Office appropriation bills was essential to a business policy of government.³¹ A bill for the erection of an equestrian statue in memory of General John Stark at Man-

²⁹ 54 Congress, 1 Session, Vol. 28, Part 1. Page 517. A bill to create such a company was introduced by Mr. Kyle. It was referred to the committee on the District of Columbia and adversely reported back. Page 4961.

³⁰ 52 Congress, 1 Session, Vol. 23. Part 2. Page 1327. This was a Populist idea.

³¹ 53 Congress, 3 Session, Vol. 27. Part 3. Page 2214. Mr. Kyle voted to reduce appropriations for New Orleans Feb. 15, 1895.

chester, New Hampshire, did not receive his approval.³² He may have believed, as Senator Sherman of Ohio, that the government was not appropriating money for statues outside of the city of Washington. Expending money to gild the statue of Liberty on the Dome of the Capitol was not necessary, for economy on policies of this nature was needed. Conducting legislation of the nation in a business manner was essential to progress and on account of this policy he did not believe in filibustering or obstructing measures.

The efficiency of the army should be increased as this was a matter of defense.³³ Government owned armor plants for the building of its battleships was advocated. Senator Kyle voted to authorize the President to construct two sea-going, coast-line battleships with a displacement of 10,000 tons each.³⁴

He believed that the President should be given additional powers to prevent the introduction of cholera or other infectious diseases from foreign countries. This would safeguard the public health.

The Russian thistle was detrimental to the farmers of the nation. Thousands of acres of public land was owned by the government. If this weed were allowed to spread federal appropriations would be necessary to help destroy it. Cooperation with the states in exterminating this noxious plant was the better plan to pursue.³⁵

North and South Dakota, Kansas, Colorado, Wyoming and Montana considered the timber culture laws of vital importance to them. The law provided 13 years, in all, for the settler to prove up on his claim. At the time of making proof the settler must show that he had 675 trees per acre. The time limit expired the summer of 1893, and if there were not the necessary number of trees the land would be confiscated and become part of the public domain. Mr. Kyle considered that if any one had acted in good faith he should not be deprived of his legal title to the land.³⁶

³² 53 Congress, 2 Session, Vol. 26. Part 1. Page 980.

³³ 56 Congress, 2 Session, Vol. 34. Part 2. Page 1731. He voted to sustain the Conference Report.

³⁴ 53 Congress, 3 Session, Vol. 27. Part 4. Page 3124. The bill provided 3 but this amendment cut the number to 2.

³⁵ 53 Congress, 2 Session, Vol. 26, Part 4, Page 3465.

³⁶ 52 Congress, 2 Session, Vol. 24, Part 2. Page 1132. An amendment to this effect was adopted.

Senator Kyle was interested in the tariff question especially in regard to tobacco and sugar. He believed that the grower of tobacco ought to be able to sell the ordinary twist unmanufactured tobacco directly to the consumer. It would enable the poor people of the country to get this kind of tobacco cheaply.³⁷

In regard to sugar there was no justifications for the one-eighth of 1% above the No. 16 Dutch standard for the benefit of refiners. "They can refine their sugar without the one-eighth of one per cent" said Senator Kyle. It is the gift of the American people to add it.³⁸

The currency and the silver issue confronted him. He believed that the Secretary of the Treasury should redeem Greenbacks at his option in standard silver dollars or gold coin. The notes ought then to be re-issued.³⁹ Coinage of the silver bullion held in the Treasury was proper.⁴⁰ Issuing certificates of indebtedness for the temporary deficiencies of revenue was considered good policy.⁴¹ The Act of 1890 met with his approval and he voted against its repeal, partly because the citizens of South Dakota petitioned him to this effect.

Throughout the west retail stores could not be accommodated with credit from the wholesale houses. Farmers were anxious to know if it were true that the best thing to do was to repeal the Sherman Law.⁴²

Options and futures were of much interest. Several amendments were introduced. One amendment concerned the west. It dealt with railroad corporations. They should establish side-track facilities at stations for persons to erect private elevators or warehouses. The railroads were to carry the grain from warehouses at rates charged elevator and mill companies.⁴³ Any person or corporation entering into agreement to fix the price of grain or cotton or other agricultural

³⁷ 53 Congress, 2 Session, Vol. 26. Part 7. Page 6959.

³⁸ 53 Congress, 2 Session, Vol. 26, Part 7. Page 7057. Mr. Kyle voted for the amendment. It was, however, defeated.

³⁹ 54 Congress, 1 Session, Vol. 28, Part 2. Page 1207.

⁴⁰ 53 Congress, 2 Session, Vol. 26, Part 3. Page 2981.

⁴¹ 54 Congress, 1 Session, Vol. 28. Part 2. Page 1216. Mr. Kyle voted for this idea.

⁴² 53 Congress, 1 Session, Vol. 25. Page 2958. Mr. Kyle voted nay October 30, 1893.

⁴³ 52 Congress, 2 Session, Vol. 24. Part 2. Page 993. Mr. Kyle voted yea on this amendment but it failed to pass.

products bought in any market of the United States to prevent competition in the sale and purchase of grain would be guilty of a misdemeanor.⁴⁴ The bill as finally passed, met with Mr. Kyle's approval.⁴⁵

Senator Kyle found objections in the bills concerning an incorporation of an International American Bank, and appropriations for construction, repair and preservation of certain public works on rivers and harbors. On the other hand, he favored a uniform system of bankruptcy throughout the United States, believed that the Constitution should be amended, changing the date of commencement and termination of the official terms of President, Vice-President and members of Congress.

Taxes are levied for the protection of property. Those living upon the fruits of the labor of others should bear the larger part of the expense. An income tax was the best form of re-adjusting these conditions. The income of the nation is over \$7,000,000,000 and 10% of the people absorb the greater part of it.⁴⁶

While Senator Kyle was concerned over national problems and the subjects of Irrigation, Education and Labor he looked beyond the borders of the United States to the South and to the West. Porto Rico, Cuba and the proposed Nicaraguan Canal interested him.

Senator Kyle spoke in favor of the Nicaraguan Canal and voted to aid in its construction.⁴⁷ He believed that certain objections should be removed. The public would be outwitted just as they had been with the Pacific railroads. In order to avoid this the government should own eighty and one-half millions of the capital of the company and the private capitalists about twelve millions. Then the government would not be outwitted.

January 13, 1896, Senator Kyle introduced a resolution in regard to the recognition of Cuba.⁴⁸ This was before the Spanish-American War. Later he believed that the United

⁴⁴ Ibid., Page 994. Mr. Kyle voted yea but it failed to pass.

⁴⁵ Ibid., Page 995.

⁴⁶ 53 Congress, 2 Session, Vol. 26, Part 7. Page 6684ff.

⁴⁷ 55 Congress, 3 Session, Vol. 32, Part 1. Page 911.

⁴⁸ 54 Congress, 1 Session, Vol. 28, Part 1. Page 607. Referred to committee on Foreign Relations.

States should maintain a neutrality between Cuba and Spain and ought to offer its friendly offices to the Spanish government for the recognition of the Independence of Cuba.⁴⁹ A joint resolution was later approved recognizing its Independence.⁵⁰

Mr. Kyle was interested in the consulate service. The salary of our agents was so inadequate that in places they bought their own furniture. The consuls of Germany and England received \$4,000-\$6,000 a year, while ours were paid considerably less.

A resolution was introduced in the Senate by Mr. Kyle regarding our policy toward Hawaii.⁵¹ In 1895, he believed that if the American warships were withdrawn the royalists would restore the Queen. This would jeopardize American interests. He believed another ship should proceed from San Francisco to the Sandwich Islands. Senator Kyle favored the annexation of Hawaii in 1895 and when the joint resolution providing for its annexation came before the Senate he voted for it.⁵²

In 1899, he favored the resolution which declared our policy toward the Philippine Islands. This was a matter which concerned the Pacific.

He also believed that the killing of fur seal should be prevented in the North Pacific Ocean.⁵³

Senator Kyle was not primarily interested in one subject. His measures show a variety of questions, ranging from matters of his own state to those of other states, matters of interstate relationship, of government expenditures and appropriations, matters affecting the District of Columbia, the home of the nation, matters of Education, Labor and Agriculture. Foreign relations also concerned him. The Nicaraguan Canal, Cuba, Hawaii and the Philippines were subjects of this nature.

During the terms of Senator Kyle in the United States Senate the nation expanded and westward movements of emi-

⁴⁹ 54 Congress, 1 Session, Vol. 28, Part 3, Page 2257.

⁵⁰ 55 Congress, 2 Session, Vol. 31, Part 5, Page 4040. Mr. Kyle voted for it. Approved by President April 20, 1898.

⁵¹ 53 Congress, 2 Session, Vol. 26, Part 6, Page 5127.

⁵² 55 Congress, 2 Session, Vol. 31, Part 7, Page 6712. Approved by the President June 27, 1898.

⁵³ 55 Congress, 2 Session, Vol. 31, Part 1, Page 158.

gration followed. It was an era of political reform, an era of agitation for better social and political conditions. Senator Kyle did not hesitate to express himself on these matters. He was elected by a Democratic and Independent fusion of the legislature but his advocacy of measures show that he branched out on problems which were of vital interest to the nation. His program was a broad one and dealt with a greater field than that of party politics. The variety of subjects which concerned him indicate that he thought out original ideas. Some of these have been adopted and others are still being agitated. Public ownership of telegraphs, shorter hours for labor, Postal Savings Banks were problems which were advocated.

Senator Kyle represented the farming element and laboring classes. He had liberal ideas and yet his measures were conservative in the sense that they aimed to stabilize conditions rather than to disrupt and disregard the fundamentals.

During his first term in the Senate Mr. Kyle dealt largely with agrarian, labor and education measures. After his second election he was interested primarily in foreign relations. This was the age in which the nation's interests were expanding and Senator Kyle kept up with this movement. He was generally in the Senate and voted. Senator Kyle was not afraid to differ with his colleague, Mr. Pettigrew, or his opponents on any question from Indian affairs to the silver issue. He represented that individualistic type of man from the frontier, the man who looked ahead in the world and saw visions and practical schemes to be put into operation. Mr. Kyle was not a theorist but always kept in mind the real conditions. His suggestions for improvements had an influence in that the real issues were kept before the people and were not clouded into obscurity by lesser measures of importance.

Harold Quinion was born at Bristol, Conn., January 13, 1894. His preparatory education was secured in the academic department of Valparaiso University. In 1926 he received the A. B. degree from Indiana University.

THE RIGGS' BRIDGE

The state vehicular bridge between Pierre and Ft. Pierre was by common consent dedicated as the Riggs' Bridge. The dedicatory exercises were held at the Capitol at 10:00 a. m. on June 28, 1926; the large audience assembled there listened with pleasure and profit to an excellent address on Stephen Return Riggs by the Reverend Jesse P. Williamson. It was peculiarly appropriate for Reverend Williamson to participate in the ceremonies as he is a son of John P. Williamson and a grandson of Thomas S. Williamson; the Williamsons and Riggs have been co-laborers in missionary work since 1837.

Reverend Williamson's address is printed herewith and is followed by a re-print of Stephen Return Riggs' Journal of a Tour from Lac-qui-Parle to the Missouri River in 1840. It is generally conceded that the first Christian sermon delivered within the area of the present state of South Dakota was preached by the Reverend Mr. Riggs near the site of Ft. Pierre on September 20, 1840. The Journal was originally published in the Missionary Herald in April, 1841. We feel that it should be made available to our members who do not have ready access to the files of the Herald. Carping critics who live within the shadows of great libraries often grow caustic in their comments on reprinted articles and quite overlook the fact that the same reprint may be appreciated by other readers.

1923

PIERRE AND FORT PIERRE
BRIDGE

DEDICATED TO THE MEMORY OF

STEPHEN RETURN HIGGS

WHO PREACHED THE FIRST CHRISTIAN GOSPEL IN SOUTH DAKOTA AT FORT
PIERRE SEPT 20, 1840, AND TO HIS SONS, ALFRED L. AND THOMAS L. WHO
HAVE DEVOTED THEIR LIVES TO THE REGENERATION OF A NATION IN THIS FIELD

STEPHEN RETURN RIGGS

By Jesse P. Williamson

As we gather here to-day for the bridge dedication let us keenly appreciate that we are on historic ground, that we stand not only at the geographical center of South Dakota, but at the place which is now recognized as the historic center of our great State. This big winding valley of the Missouri and these surrounding hills have been the scene of more first significant historic events than any other spot within the borders of our commonwealth.

Here the once mighty nation of the Arikara, semi-civilized and industrious, the ancestors of all who raise corn, built their strongest villages and forts and made their last stand against the less-civilized but more ferocious Sioux.

Here on the two adjacent buttes the victorious Dakota warriors celebrated their victory with wild song and dance and gathered boulders in piles or placed them in circles or long serpentine figures in commemoration of their conquest.

Here on the opposite bluff as early as 1743 the intrepid French explorers, the Verendryes, stood with their few companions, and looking out over this valley claimed the upper Missouri territory for their sovereign.

By a very remarkable coincidence the renowned American explorers, Lewis and Clark, as they worked their tedious way up the River, had here what proved to be the most thrilling experience of the trip, an encounter with a band of Oglala braves that came near ending disastrously for the expedition.

Here, too, were located the most prominent of the early fur trading posts of the first half of the 19th century and the names of Pierre Chouteau, Senior and Junior, LaFramboise, Major Galpin and others have become familiar to every student of early South Dakota history.

Here on the Fourth of July, 1825, 101 years ago, was staged on the opposite valley one of the grandest Independence Day celebrations known to early history, when General Henry Atkinson and Colonel Benjamin O'Fallon with several

hundred troops so impressed the Indians with the greatness and majesty of Uncle Sam that the ancient prestige of John Bull could no longer hold them.

This, too, was the scene about ninety years ago of visits by a number of men of national reputation—Catlin, the artist, in 1832, Nicollet, the geographer, came with Fremont, the gallant soldier, pathfinder and politician, in 1839 and Audubon, the naturalist, visited here in 1843. All have left characteristic records of their sojourn.

Came the steamboating days and the gold rush when Ft. Pierre as the Gateway to the Black Hills became the liveliest, wildest and most picturesque frontier village in all this section.

Passing on from what might be called medieval to modern history, what but the historic destiny of this already famous village could have led the Chicago and Northwestern Railway to spin its thread of steel across the two hundred miles of treeless prairie direct as the arrow flies to this same tiny settlement at the crossing of the Missouri?

And thus came that hectic contest for the location of the State Capitol when the same Northwestern Railway gallantly entered the fray and gave all the inhabitants of the new state at least one grand, long, tiresome, but free ride to the historic town on the Missouri, and Pierre kept up its tradition for making history by being elected the permanent seat of government in the new State.

It was only to be expected that the first real railroad bridge to span the Missouri within the State should have reared its majestic spans from this to the other shore.

And today as we celebrate the completion of this magnificent State Highway Bridge we may well realize that another event of real historic significance to all this section has now been recorded.

Surely the accomplishment of this task by which a great natural barrier is surmounted and two large sections of the commonwealth brought into easy social and commercial contact is more worthy of a page in history than a sanguinary battle; and it is eminently right and proper that our children's children should read in the pages of South Dakota

History of the year when the State Bridges were strung across the Missouri River.

In this brief sketch of the events which have given this section historical pre-eminence we have omitted reference to one which was no less significant than those mentioned, namely, the visit of Stephen Return Riggs to Ft. Pierre in September of the year 1840.

This remarkable pioneer missionary came with his young wife to what is now Western Minnesota in 1837, joining forces with Dr. Thomas S. Williamson who had come a year or two earlier. How these two missionary families left not only civilization but even the last frontier military post two hundred miles behind them and settled down in the heart of the wild Indian country, trusting only to Providence and the good will of the savages for safety; how they acquired the Indian tongue that they might preach the Gospel without an interpreter, and later translated the whole Bible into the Dakota language; how their lives were almost miraculously spared at the time of the Indian Outbreak of 1862 through the loyalty of the Christian Indians, and what seemed to be the wiping out of their whole mission was transformed within a few months into the conversion of a nation, * * * that is a story that cannot adequately be recounted here.

But let us recall the circumstances of Dr. Riggs' memorable visit to the Missouri in 1840.

Having at that time spent three years with the Minnesota Sioux and hearing from them of the still greater number who lived on the western slope of the Big Muddy, he felt the urge to push on and find out what might be the possibilities for their evangelization. Like the Apostle Paul he felt the call of the greater population.

Accompanied by Alexander Huggins, a fellow missionary, he struck out for the Missouri River, their equipage consisting of a two-wheeled cart drawn by a pony and an extra riding horse. Their Indian guides proved undependable, preferring the excitement of the buffalo chase to the monotonous task of leading the gentle missionaries. A surly Indian chief forbade them to proceed. But they seem to have taken these incidents lightly. In fact, the page given by Dr. Riggs

to the account is about as matter of fact as would be your own account today of making the same trip by rail or automobile.

Two weeks were spent in making that long journey past the Bigstone Lake, out to the James River, thence south-westward to the Missouri. And where else would the trail lead them, if there was a trail, but to this same already noted historic spot at the mouth of the Teton River, one more evidence of the historic destiny of Ft. Pierre.

"We gathered" he says "a good deal of information about the Western Sioux." Then recording the fact that they held religious services and communicated the Good News of Salvation, he merely adds that they returned pretty much by the way that they had come.

His conclusion, expressed with some disappointment, was in these words: "The result of our visit was the conclusion that we could not do much or attempt much for the civilization and Christianization of those roving bands of Dakotas."

The emphasis was doubtless on the word "Roving". Even with the Minnesota Sioux a great obstacle to missionary effort was the ever-moving habit of the tribes. Dr. Riggs quickly sensed that the buffalo-hunting Sioux of these far western plains, like the Amalekites of old, were the true nomads of the Western hemisphere, and afforded no opportunity for settled mission work.

So Dr. Riggs went back to his Minnesota Sioux, but not to forget the Tetons. While this early exploring trip seemed rather fruitless of immediate results the interesting and delightful thing about it is that the passing years brought the appropriate sequel. His great dream and ambition for these West River tribes was yet to be consummated in a way that must have given him peculiar satisfaction. For he lived to see his own sons and daughters splendidly accomplishing that great task which for himself was only a fond ambition.

Let me briefly sketch the course of this fulfillment:

Stephen Riggs' oldest son, Alfred Longley, after most thorough preparation dedicated himself to the educational phase of the Indian Mission. His unique and fruitful work

as the head of the Santee Normal Training School for almost half a century is well known to educators generally. He was a real pioneer in manual and industrial training. And it is to be noted that hundreds of the children and grandchildren of those very "roving bands" of Western Sioux from whom Stephen R. Riggs reluctantly turned away as being beyond his power to reach, subsequently received Christian training at the hands of his illustrious son.

Alfred L. Riggs was far more than the principal of a school. By his powerful pen, his many printed publications, his Institute work, his missionary itineraries, his large and varied correspondence, his eminent qualities of personal leadership among whites as well as redmen, he holds an honored place in the educational development of South Dakota.

But in the work of another son there came, if possible, a still more striking fulfillment of old Dr. Riggs' dream.

In 1872, 32 years after that first historic trip, came Thomas Lawrence Riggs, dedicating himself to the accomplishment of his father's early purpose, a mission to which it is said his parents consecrated him at his birth.

Himself a son of the western prairies, knowing full well the difficulties and privations of the life to which he was giving himself; familiar too with the mind, habits and even language of the Sioux; equipped also with excellent college and seminary training, he came to the very place and to those very roving bands who had for years been on the mind of his father.

But he was not dismayed. He could rove with them. And so he did. Journeying with them and camping with them, eating and sometimes going hungry with them, joining with them and as one of them in the hardship and hazard of the buffalo chase, he became their trusted "kola" (friend) and won his way into their hearts that he might "do them good."

How loyally he kept to this purpose, how faithfully he followed and taught and ministered to this people, how richly fruitful proved his fifty years of labor, a large circle of friends are delighted to testify. Only out of consideration

for Dr. Thomas Riggs and his loyal and equally faithful wife, who are happily present with us today, do we refrain from adding further tribute to their outstanding career of missionary effort.

Time demands that I should bring this sketch to a close. But it is of interest to note that the third generation of Riggs are even now carrying out the traditions of the family and further fulfilling their grandfather's early purpose.

Dr. Fred B. Riggs, son of Alfred Longley, ably continues his father's work at the Santee School, attracting the cream of the Indian youth from the South Dakota reservations and providing for them just that sort of training which a wide experience proves to be best adapted to their needs.

Another grandson, Dr. Theodore F. Riggs, first-born of Thomas L. Riggs, now widely recognized as an authority and master in the line of medical surgery, chose to locate here at this very place where his grandfather penetrated to the Missouri in 1840, and has chosen to remain here and minister to the scattered prairie population of his native state, red men as well as whites, unheeding the many attractive invitations to what might seem more distinguished service in the cities of the East. Time forbids further individual mention.

It has been the decision of the Committee in charge that this splendid State Highway Bridge should be dedicated to the memory of Stephen Return Riggs and his two sons, Alfred Longley and Thomas Lawrence. On behalf of the enlightened citizenry of South Dakota do we so dedicate it.

And may we, too, humbly dedicate ourselves to the further consummation of those high and unselfish ideals to which they gave their lives.

JOURNAL OF A TOUR FROM LAC-QUI-PARLE TO THE MISSOURI RIVER*

By Stephen Return Riggs

Objects and Events of the Journey

The Sioux tribe of Indians is supposed to be the most numerous tribe on the frontiers of the United States. Collected in different bands and called by different names, the tribe holds the country extending from the Mississippi to the Missouri Rivers, and even going beyond these boundaries both east and west, and extending a hundred or two miles north and south of the forty-fifth parallel of latitude. The station at Lac-qui-Parle is near the parallel mentioned. While on a visit to the western bands, Mr. Riggs wrote the following journal.

For nearly two years we had contemplated a tour to the Missouri. The objects which we hoped to accomplish by making this journey were chiefly two:—First, to make ourselves acquainted with the dialect of the Tetonians, who comprise at least one half of the whole Sioux nation; and secondly, to ascertain something definitely respecting the bands in that region—their circumstances and feelings in regard to the establishment of a mission among them. How far these objects have been accomplished by the tour just completed, will appear from the following statements.

On Wednesday the second of September, 1840, Mr. Huggins and myself commenced this journey. We took two horses and a cart, carrying with us a tent, some small presents for the Indians and such provisions as we thought necessary. We left Lac-qui-Parle with a party of Indians who were starting on a buffalo hunt. The horses, women and children and dogs were all heavily laden with kettles, various articles of clothing and corn for provisions until they should reach the buffalo. In consequence of this our marches were extremely short, only about six or eight or at most ten miles a day. And that was sufficiently long for most of our party.

* Reprinted from *Missionary Herald*, Vol. 37, April, 1841.

The little girls, some of them just able to totter along through the grass, were obliged to carry packs, while their brothers, often much larger than they, carried only their bows and arrows and at will sported along the way. Often these little ones came into the camp weary, but such is their native elasticity, that, no sooner had they thrown down their packs, than they were ready for their sports again.

We had agreed with Itewakinyan (Thunder Face) the chief man of the party, to continue with them in their slow marches until we had reached the Valley of the River Jacques, from which we were to have a guide who would proceed with us more rapidly to Fort Pierre. Travelling thus slowly was somewhat tedious, but it gave us abundant opportunity to examine the country and become acquainted with those who composed our party. We knew we were in company with those who are reputed to be the greatest thieves and the most vile-mouthed of the nation. This last we found true to a greater extent than we had supposed. The former unenviable distinction they may still hold, but as we cast in our lot, in a sense, among them and were under the protection of the chief of the robbers, we lost nothing. And I may remark further that in all our journey the good hand of our God was upon us to deliver us from evil. Before we started the Indians here had seen a great many "lions in the way." They had repeatedly told us the Sioux on the Missouri were so bad that the best we could hope for was to escape with our lives. They most certainly would plunder us of our horses and other things. But it was not so. "From a thread to a shoelatchet" we lost nothing by theft.

The sixth day after leaving home, when we were encamped at Chanonpa, the old residence of Itewakinyan and his band, we heard that one of his younger brothers meditated evil against us. He is a most malignant man and has for a long time been very jealous of his older brother. He had left Lac-qui-Parle before we did and spending some weeks at Big Stone Lake had proceeded across to meet our party before they entered the buffalo region. The two encampments were now some ten miles apart, when a messenger came to our camp and told us that Kinihanpi, the younger brother, had

declared he would break up our cart and kill our horses, besides doing other mischief to his brother and others of the party. He had, sometime last summer, forbidden our making this tour. But this was not the only reason why he would take vengeance on us. He had had some difficulty with Mr. Renville in trade and now his old jealousy of his brother was renewed by finding that we were going under his convoy.

This news produced no little anxiety in our camp. They all professed to believe that Kinihanpi would do as he had said. Some advised our return, but we did not think it duty to do so until we had seen the threats actually put into execution. In this state of things Itewakinyan agreed to change his first plan and send two young men with us from the place where we then were, a few miles beyond Chanonpa. The next morning we rose before day and passed on by the camp of those who sought to do us evil. On our return, as he had passed to the north of our course, we saw him not. Thus the Lord delivered us out of his hand.

The day we left the caravan brought us into the buffalo region, when our guides killed one and two other young men killed another. Here and the next day when we saw another herd of these inhabitants of the prairie, we had some difficulty in preventing our guides from turning back. They were young men who from their boyhood had been accustomed to the buffalo-chase and now the sight of the eyes affected the heart. They were anxious to be engaged in their old sports. But by some additional presents we induced them to proceed, still fearing every day the same scene would be acted over, until we had advanced so far that the power of attraction drew them forward. In eight days after leaving the company, making fifteen in all from Lac-qui-Parle, two of which were Sabbaths on which we rested, we reached Fort Pierre. There we were kindly received by Mr. Campbell, who was in charge of the establishment, by Mr. Bonis and others, whom we found willing to give us all the assistance in their power. After remaining four days at the fort, including one Sabbath (Sept. 20, 1840) we commenced our homeward journey, coming for the most part by the way in which

we went. In eleven days, one of which was Lord's day, on which, alone on the wide prairie, Mr. H. and myself endeavored to worship the God of our fathers, we reached home and found that our Heavenly Father had kindly protected our families and the other members of the mission during our absence. The whole tour occupied thirty days. The distance from this place we estimated at about 245 miles. At the border of the Missouri coteau our guides left us. From that place we returned alone, a distance of about 175 miles. We met with two small companies of Indians, from one of which we received a supply of fresh buffalo meat.

Before commencing this tour we purposed to have proceeded from Fort Pierre down the Missouri to a trading post at the southern border of the Sioux country, near the mouth of the Spakshan or Sioux river, and following up that stream to its source, which is in the Coteau de Prairie, fifty miles distant from this place, thus to have returned home. But ascertaining that on account of some recent disturbances with the Omahas the few Sioux who planted there had abandoned the place, we were induced to give up our intention of visiting that post.

Before detailing the facts which we were enabled to collect in regard to the Indians in that region, some account of the country over which we travelled may not be uninteresting. And particularly so, as Mr. Nicollet, who was for two summers engaged under the patronage of government in making a general survey of this country, did not come directly from Fort Pierre, but passed up north to Devil's Lake, and from that to this place.

Route Pursued—Character of the Country.

Leaving Lac-qui-Parle, we passed up the Inkpa, a small stream which comes into the St. Peter's river about a mile above the mission-houses. This stream has its source in the Coteau and its direction is a few degrees north of east. We kept near this little river for the purpose of obtaining wood and water, neither of which could be found had we pursued a direct course. This part of the prairie is undulating and some

of the small hills somewhat stoney. In a little more than thirty miles from home we commenced ascending the "Coteau des Prairies." At the place of our ascent, the slope was very gentle, and we had travelled about four miles before we reached the highest elevation, which is somewhat less than five hundred feet above the prairie at its base. On the sides, which at some points are considerably cut up with ravines, are some small clusters of wood at the heads of the little streams. The surface of this coteau is considerably broken. These elevations seldom rise higher than twenty or thirty feet. Some there are which more deserve the name of hills. The soil appears to be quite as good if not better than the prairie generally in this region. Lakes abound in this part of the country, some of which are destitute of wood, while others are surrounded by a few scattered trees. Once we came to a small lake of beautiful water, but so highly impregnated with mineral substances resembling the sulphate of soda that neither we nor our animals could drink it. Before we knew its properties Mr. H. had swallowed a draught which operated as a cathartic. At Chanonpa, which consists of a number of lakes, the Indians represent one as poisonous.

About sixty miles from Lac-qui-Parle we crossed several brooks, which are the head-waters of Sioux river. The valley of this river makes a break in the Coteau de Prairie and causes it to pass down in two wings; but at the place we crossed the small streams mentioned above we could scarcely discover any interruption to the high prairie, except the ravines in which the streams flow. Passing on about one hundred miles from home we came to the western border of the coteau, from which we descended into the valley of the river Jacques. Our descent on this side was quite as gentle as our ascent had been. To the north of our course it rose so abruptly as to appear like rocks, while to the south the slope seemed to be more gradual still. The valley of the Jacques, reckoning from the coteau on the east to the Missouri coteau on the west, is about seventy miles. For the most part, especially on the side of the river, it is extremely level. The day was cloudy as we returned over this part and the fog and smoke made the borders of the coteau in-

visible. As we were without guides we had some difficulty in keeping our course. For miles, all around us, there was not the slightest elevation apparent. We could take our course from the compass, but keeping it for any distance was extremely difficult. Sometimes we steered by a spot of grass of a different color from that around it; sometimes by a little mound of earth, some six or eight inches high, thrown up by gophers; and at other times a thistle stalk seen from a great distance was the only object upon which our eyes rested. But it was fatiguing to look constantly at such small objects and by turning off the eyes even for a moment we were in danger of losing them and substituting for them others which were several degrees out of our direct course.

Before commencing our journey over this wilderness of prairie we filled our keg with water at the foot of the coteau; but the next day in the middle of the valley on this side of the river we crossed the bed of a brook in which we found standing water. The river Jacques we found to be at that time, September, an inconsiderable stream only about ten or twelve yards in width and eighteen inches deep. We saw but little wood growing along its banks. This river is called by the Sioux Tituhu Oju (Full of Oaks). Where we crossed it there was certainly very little of this sort of timber, but it is said there is a considerable quantity farther north.

From the river Jacques to the Missouri, water is extremely scarce. On the Missouri coteau it is found only in small swamps, where it stands, and is at this season of the year highly impregnated with mineral substances. And even these places are so "few and far between" and so difficult of finding that if we had not had guides well acquainted with the country both we and our horses would most certainly have suffered with thirst. We were careful always to have our water-keg filled where we could obtain it, which, if we found no other, sufficed for twenty-four hours. The Indians when travelling over these parts of the country carry water in bottles made of the stomach and parts of the large intestines of the buffalo.

The Missouri coteau, which is scarcely so high as the

other, appears to extend to the Missouri river and to terminate with its hills. We found the soil gravelly and the grass short and dry. This was true also of the whole valley of the Jacques. Before our return some parts had been already burnt over.

After leaving the Coteau de Prairie on this side of the Jacques, except at that stream, we saw no wood until we had nearly reached the Missouri. According to the custom of the country we made our fire for eleven nights, in going and returning, with buffalo-dung. When dry, it burns remarkably well, and the odor is rather pleasant than otherwise; but when damp it is a very poor substitute for wood. In burning it very strongly reminded me of the stone coal of my native land.

In our journey we saw many flocks of antelope bounding with surprising velocity over their native prairies. Our guides tried several times to shoot them, but without success. Sometimes their curiosity leads them to come directly up to one who is approaching them until they are within gun-shot; and this is almost the only way in which they are ordinarily killed. We saw but comparatively few buffalo, they having passed in great numbers to the north of our course only a few weeks before. The largest herd we saw consisted of about one hundred. Buffalo bulls, however, in small parties were frequently in sight. And often when we passed to the leeward of them they accompanied us for some time, going parallel to our course at a distance of about eighty rods, stopping often, smelling and looking towards us as if to inform themselves of whom and what we were. When they were satisfied on this point they bounded off. If you try to approach them on the windward side they quickly make their escape.

The buffalo is a most interesting animal, but it is not a part of our business to write its history. There is one question, however, which we have asked with some interest; Are the buffalo increasing or diminishing? This, it will be perceived, has an important bearing on the civilization and christianizing of this and other Indian tribes. Mr. Campbell, at Fort Pierre, who is part Sioux, an intelligent man and has lived twenty-five years in that part of the country, is decided-

ly of the opinion that the buffalo are diminishing. And he accounts for the fact that they have been more plenty in that quarter for the last few years by asserting that having been surrounded by the various tribes of Indians they have been driven together and at present have a much more limited range than heretofore. When this last affirmation is established as a fact there will be little reason to doubt the first. In the meantime, I confess, it seems to me more than probable that they are diminishing. We can hardly suppose they should continue to increase when hundreds of thousands, I had almost said millions, are killed annually.

The Missouri River—Fort Pierre.

More than a thousand miles below, I had seen the great Missouri rolling on its mighty tide of waters and uniting them with those of the Mississippi; but I was scarcely prepared to see it still preserve its greatness. It is the same rapid muddy stream. Well have the Sioux called it Minishoshe (Muddy water). At Fort Pierre there is a large sandbar in the middle of the stream, including which I judge the river to be nearly a mile in width. When we first listened to the crash, crash of the sand-banks falling into the water we did not well understand their meaning. And when we ascertained the cause the thought could hardly be repressed that soon it must wash down all its sands and mingle them with the waters of the Mississippi. But this is one of the comparatively everlasting things. For ages and generations it has rolled its waters on to the "illimitable sea:" it has seen generation after generation of Red Men pass away; or one tribe has departed to give place to another on its shores, and it will roll on till the consummation of all things.

On the western bank of this river and near the 44th degree of north latitude stands Fort Pierre. Three miles below, a small stream comes in from the west, which they call the Titonwan, or Little Missouri river. This is not, however, the stream which is marked Little Missouri on the maps, that being considerably farther north. The next river that comes in above Fort Pierre on the west, is the Shienne, which I was

informed is some twenty-five or thirty miles from that place. As this trading post has been standing for many years, there is now but little wood on the river for several miles both above and below. And nowhere is there any growth of timber found but on the islands or bottoms of the river and its tributaries.

General Notices of the Dakota Race

We now pass from the country to its inhabitants. At Fort Pierre we found about forty Indian lodges; a part of whom were Ihanktonwans, and part Titonwans, of the band called Sichangus, the same with the Titonwans of the Burnt wood on the maps. We saw some also from the Hunkpatidan, a band of the Ihanktonwans. We expected to have met more Indians at the fort; but owing to our distance and the non-intercourse between the places we could not know when we would be likely to find the greatest number there; and if we had known, it would have probably been altogether impracticable for us to make the journey at such a time.

It may be remarked in general that we have abundant testimony to the fact that all the bands of the Sioux once occupied a country much east of that in which they are now found. Most of the Indians now on the St. Peter's and Mississippi, at no very distant day lived beyond, that is, east of that river and some of them dwelt far in the country now occupied by the Ojibwas. And the time when the Ihanktonwanna bands occupied the vicinity of Lac-qui-Parle is yet well remembered by many who are not old men. These now range to Devil's Lake and the Missouri and even beyond that river. Mr. Campbell states that the original country of the Ihanktonwan band was on the river Desmoines and that of the Titonwan bands still farther down on the Mississippi, in a portion of what now forms the State of Missouri. As evidence of this there is a placé between the two rivers which still retains the name of Portage des Sioux. At present the Titonwans are all west of the Missouri, their hunting-grounds are from that river to the Black Hills and from the Mandan villages on the north to the river Platte on the south; while

the Ihanktonwans, although they are still considered as living on the eastern side, hunt mostly west of the Missouri.

Mr. Campbell states that the first band of Tetonwans which passed west of the river was the Oglalas. This took place probably not far from forty years ago. The Tetonwans now speak of it as a thing which happened not long since. Their fathers, they say, used to sit in council with the chiefs of the Isanyati bands, in which name they include all on the St. Peter's and Mississippi. The traders on the Missouri have changed the word into Asantees.

Before giving a particular account of the bands of Dakotas inhabiting the Missouri country, it may be proper to say a word in reference to the orthography of the names by which they are known. We think it best, generally, to use the name by which they designate themselves and to write them according to the orthography we have adopted for the language, except in those cases where we use single characters for double consonants. In following this rule some of the proper names become longer than by the commonly received method of writing them; such for instance as Tetonwan, commonly written Teeton. This, however, is not the fault of our orthography, but is chargeable to the ignorance or perversion of the half-breed interpreters, who first gave information to travellers on this subject. Almost all the names of the different bands of Dakotas have been written in an abbreviated form. The names in full are as we write them. If, however some are lengthened, because heretofore written incorrectly, our orthography shortens others, as Oglalas, commonly written Ogallallahs. The doubling of consonants in English is the source of a great deal of "originality in spelling," which is justly considered rather disgraceful. Why then should it be thought so very desirable to introduce this difficulty into Indian languages or even into the orthography of their proper names? This, it seems to me, has been one great source of the long Indian words, of which we have heard frequent and loud complaints. After all there are sounds in these languages which cannot be exactly represented by any heaping together of English consonants. And here I may remark that our manner of writing the Dakota language

is not only simple but remarkably easy for the learner and is actually better, in many respects, than the orthography of the English language. In saying this I am not chargeable with egotism, as, with two or three exceptions, the principles of writing according to our present method were established before I came into the country. In many things it may yet be very imperfect. And the late information we have collected in regard to the Titonwan dialect will suggest some important changes. In writing Bible proper names we shall retain the l and g, as one peculiarity of the Titonwan dialect is that in the place of d, as we write the language here, they use l universally, And where we use hd, the Ihanktonwans have kd and the Titonwans gl. There are some other changes of consonants, but these are the most important.

Statements Respecting the Several Bands.

The Titonwans are divided into seven different bands; First, the Sichangus or Yakora, "Titonwans of the Burnt Wood," ranging chiefly on the heads of White river, and as far south and west as the head waters of the Platte. They are estimated at 260 lodges.

2d. The Oglalas. They range near the Black Hills and sometimes also as far south as the Platte. They are estimated at 250 lodges.

3d. The Itazipcho, estimated at 100 lodges.

4th. The Minikanyewojupi, called by the traders Minikawujus. Their name signifies "Those who plant at the water," and they are said to have been so called from having many years ago planted on the Missouri river. They number about 150 lodges and are found generally on the Shienne river.

5th. The Hunkpapas. These generally range north of the Minikanyewojupi and are estimated at 250 lodges.

6th. The Sihasapa or Black feet, estimated at 200 lodges. They are found still farther north on Grand river.

7th. The Oohenonpa or Shunkayutexni; this last name signifying "Those who do not eat dog meat." They are estimated at 100 lodges and commonly range north of the Black-feet. The five bands last mentioned are further known by the general name of Sanoni.

The Ihanktonwannas form a second general division of the Sioux, the chief band of which is the Hunkpatidan. These are estimated at 200 lodges and generally are found on the east of the Missouri. The other bands comprehended under this general name are the Pabakse, of whom the late Waanatan was the chief; the Wazikute and the Kiyuksa; all estimated at 200 lodges. These go as far north as Devil's Lake and frequently pass beyond the Missouri.

The Ihanktonwans form a third division of the Sioux. This band is entirely distinct from those denominated Ihanktonwannas. By some it is thought to be the oldest band of Dakotas. Several men connected with the establishment at Fort Pierre are part Sioux. What is rather remarkable concerning them is that although originally of the Mdewakan-tonwan band and living in the midst of the Titonwans, they speak the Ihanktonwan dialect altogether. They say it is the best. This band is estimated at 240 lodges. They range on both sides of the Missouri and go as far south as the mouth of the Sioux river.

This enumeration includes all who belong to this tribe west of Lake Traverse. Having obtained both from the Indians and white persons at Fort Pierre estimates of the number of lodges in each band, and knowing that in such cases, the error has almost always been in making the estimate too high, wherever they differed in their calculations I have uniformly taken the lowest as most probably approaching nearest the truth. It is difficult to know how many should be counted in a lodge. In this part of the country, I am confident, they do not average more than seven or eight persons to a skin lodge. Mr. Campbell thinks they will average fifteen on the Missouri. The lodges are larger there, and will accommodate more persons; still I cannot but think that that estimate is much too high. It appears to me that ten to a lodge will be a much safer estimate. According to the foregoing statement they will stand as follows:

Titonwans, 1,310 lodges.

Ihanktonwans, 240 lodges.

Ihanktonwannas, 400 lodges.

At ten persons to a lodge, the number of these bands will be nineteen thousand five hundred. The Dakotas on and near the Mississippi and St. Peter's rivers, including those at Lake Traverse, cannot safely be estimated at more than five thousand five hundred, which will make the whole tribe of Sioux twenty-five thousand.

How far they are disposed to receive Christian Instruction.

During our stay at Fort Pierre we endeavored to ascertain the feelings of the Indians there in regard to establishing missions among them. On the Sabbath (Sept. 20, 1840) the men were all invited into the fort and were accommodated in one of the rooms. All the gentlemen of the establishment with their squaws, as they are pleased to call them, were present; while the Indian women and children thronged the door, windows and porch of the building. To this group of immortal beings I endeavored to make known some of the first principles of the gospel of Christ. Mr. Huggins sung a number of Dakota hymns, with which they seemed delighted; and at the close we engaged in prayer in their language, in a place where prayer has not been wont to be made.

After our exercises were over, Tatankahanska (Long Buffalo) a Titonwan chief, remained, wishing, he said, to learn more of these things. And again he with some others came in the afternoon to our room for the same purpose. It would be too much to suppose that they had any intelligent desire to become Christians, for they do not know what Christianity is. Their object may have been to use the knowledge we imparted to them for gaining influence with their neighbors. Once and again, however, they told us their "hearts were glad because light had come to them from the east," which, by the way, they think is the source from which emanates all good.

We told them of the progress the Indians had made at Lac-qui-Parle in reading and writing and wished to know if they could not send some young men home with us to spend the winter and learn to read. To this there were various obstacles, such as that they had no friends there and the dis-

tance was great. Long Buffalo, however, told us that many would learn to read if we would come and teach them. He appeared to be extremely anxious to know when teachers would be sent them or when they should see us again and said, "I will make known your words to the other bands and look out a place where there is much wood for a mission-station." This man gave us a shield made of a buffalo-hide and a coat made of the skin of the antelope and wrought with porcupine-quills and beads, both the finest I have seen in the Sioux country.

On the whole those Indians seem more favorably disposed to receive the gospel than most of the tribe in the vicinity of Lac-qui-Parle and especially Fort Snelling. As yet they have not formed a prejudice against it. The great obstacle to the commencement of missions among them immediately seems to be their unsettled state. Like the buffalo they follow they are ever roving. Still it seems probable that a mission-station on the banks of the Missouri or some of its tributaries would gather around it families as fast as would be desirable. They are all fond of corn and, I think, would be easily induced to plant if they could have some assistance in the commencement. As they always spend the winter, which is the most favorable time we have here for instructing them, on the rivers and live by killing deer, etc., some bands or families would most likely camp near such a station if formed.

There are some facilities now for commencing and carrying on among them a course of instruction which did not exist in the Sioux country five years ago. Among others, the books already printed and such as our knowledge of the language will enable us to prepare, should not be counted the least. The dialects which exist will not, we think, present any material obstacle to this work. The different bands understand each other with perfect ease in conversation and those who have learned the art will experience but little difficulty in reading books prepared in any dialect. If they are prepared as we have been accustomed to write, an Ihank-tonwan will call h k in certain places and in like cases a Titonwan will call h g, and d will always become l in his dialect.

There are in each band some words and phrases peculiar to themselves, but this cannot materially affect the preparation of books.

Who then will come to the Sioux on the Missouri? Who will come in the spirit of the gospel and raise the banner of the cross there? They seem willing, nay desirous to receive instruction. The cause of missions here requires that efforts should be commenced there soon. Now one of the objections we meet with daily is that they are learning at no other place. In raising a people from the degradation of heathenism, it is evidently very important that simultaneous efforts be made in various places. In this way there is a mutual incitement to go forward.

A HISTORY OF SCHOOL FINANCE IN SOUTH DAKOTA*

By Joseph Evington Colborn

PREFACE

This study was begun as a seminar course in education in the University of South Dakota during the summer of 1924 under the direction of Dr. William H. Batson and was continued through the year and finished in July, 1925.

The aim has been to show the development of the school finances of the state from its beginning as a territory down to the present time. To do this it was thought necessary to begin about the year 1861 for it was in that year that Dakota Territory was organized. There are no known records of schools within the limits of the state before that time. A survey of the school finances of territorial days must necessarily be brief for the reason that few records were kept and for the further reason that there was very little to record. Nevertheless, enough can be learned to give us a rather definite knowledge of the financial conditions of the schools of that time.

The development of the school fund began almost with the development of the state. The permanent school fund has its origin in the organic and fundamental laws of the state. It is the nucleus around which cluster all other sources from which school money is derived. For this reason the school fund has been given consideration early in the study. The origin and growth, as well as the present use, of this great source of revenue has been given consideration; and also a hint has been given as to its future possibilities. It will be seen that the public school fund does not meet all the expenses of education. There was no intent that it should. The people are impressed with the importance of schools by being compelled to carry a large part of the cost of their own education through local taxes.

The ultimate object of public school revenue is to finance the public school. In dealing with this phase of the subject,

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it was thought necessary to show how the machinery of the public school operates in raising and spending its funds. A large part of the tax dollar goes to the support of public schools, and it has been my purpose in the chapter on "Public School Finances" to show how and for what purpose the money is spent.

State institutions of higher learning are taking a more conspicuous part in the education of the people than they did a few years ago. In some states there has been a very remarkable increase in the attendance at these institutions. A recent newspaper report states that the attendance at the University of Minnesota last year was almost 20,000. The state institutions of South Dakota must take care of their own constituency. Information concerning the finances of our own state institutions ought to contribute to a more intimate acquaintance of the people with our schools of higher learning. Hence, such a history as here contemplated should take into account the financing of these schools.

There has been, and there is to-day, a tendency on the part of both state and national governments, to carry an increasing share in the costs of education, particularly along vocational lines. A recent development in education has been the extension of state and federal aid for these purposes. This is done, however, in every case under very careful supervision.

In this study I have had access to the reports of the State Superintendent, State Auditor, Commissioner of School and Public Lands, South Dakota Education Association, and various other forms of information gathered from the library of the University of South Dakota, the South Dakota Free Library Commission, and the school and public library of Sturgis. I am indebted to L. D. Milne of Sturgis for the use of his session laws; to Dr. W. A. Cook for suggestions and materials; to Hon. Doane Robinson, Superintendent of the Department of History, and to Hon. O. P. J. Engstrom, Commissioner of School and Public Lands, for material and for their prompt replies to my correspondence; and to Dr. W. H. Batson for correcting the manuscript and for making suggestions in its preparation.

CHAPTER I

The Schools of South Dakota in Territorial Days

On the second day of March, 1861, President James Buchanan signed the Organic Act which created the territory of Dakota which at that time was a vast country including what is now the Dakotas, Montana, and a part of Idaho and Wyoming.¹ The government of the territory was provided for by this act,² and here is found the first provision for the maintenance of the public schools.³

The territory as organized was of short duration. It was found to be too large to be governed conveniently, and in 1863 Congress created the territory of Idaho, embracing the present states of Montana and Wyoming. In 1864 Montana territory was created and Wyoming was again attached to Dakota. Four years after this, Wyoming territory was created and our western boundary fixed as it is to-day. In 1882 the present southern boundary was established.⁴

William Jayne was appointed by President Lincoln as the first territorial governor. When he came to the territory he made Yankton the capital and called an election to choose a legislature and a delegate to Congress.⁵

The first legislature convened March 17, 1862, at Yankton. On the third day of this session the legislature met in joint assembly for the purpose of listening to the governor's message. This was read by George W. Lamson, private secretary to the governor, and was in many ways a wonderful document.⁶ Naturally many things claimed the attention of the new territory in that early day. Not only had the machinery of government to be set in motion, but the Indians were a constant menace, and the Civil War was well under way. But with all these difficulties the governor made some very strong and sensible recommendations for school legislation as the following extracts from his message clearly show:

¹ Kingsbury, G. W., History of South Dakota, Vol. I, 162-164.

² Organic Act, South Dakota, Sections 1-13.

³ Ibid., Sec. 14.

⁴ Kingsbury, G. W., History of South Dakota, Vol. I, 164.

⁵ Ibid., 175-176.

⁶ Ibid., 196.

"The day is not distant when the eye.....will rest gratified and contented upon the farm and workshop, the school house and the church.

"Among the different subjects which will demand your attention not the least will be a system of criminal and civil laws; an educational system; etc.

"The great hope of a free people was dependent upon the educational and militia systems.

"The communities where truth, virtue, intelligence, and knowledge prevail, there crime is rare and poverty almost unknown."

This legislature was in session for sixty days, from March 17, to May 16. During this time it enacted a good school law⁷ and passed an act establishing the Territorial University at Vermillion, although the first building there was not erected until 1882.⁸ The school law enacted provided for the creation of the school district, and for the maintenance of the public school system by a tax levied upon the taxable property of the people. It was a good law well adapted to the conditions of that time.⁹

Some of the provisions of this act were so important as to deserve special mention. Section 15 provided that "every school district shall be deemed duly organized when the officers constituting the district board shall be elected." It further provided that any person who had been duly elected and who failed to qualify, or who having qualified failed to serve without sufficient cause, should forfeit the sum of ten dollars.¹⁰ These officers, consisting of a director, clerk, and treasurer, were elected by the qualified electors of the district at a district meeting of such electors. In addition to its other duties, this meeting was empowered to vote a tax of not more than one-half of one per cent to purchase or lease a site for a schoolhouse. It also could vote a tax of not more than one-fourth of one per cent on the taxable property of the district for the payment of teachers' salaries. It could also vote a tax of not more than one-fourth of one per cent to

⁷ Ibid., 210.

⁸ Robinson, History of South Dakota, Vol. I, 316.

⁹ Ibid., 471.

¹⁰ Session Laws, Dak. Ty., 1862, Chap. 81.

buy equipment for the school. It further had the right to fix the length of the school term.¹¹

The law made it the duty of the county superintendent, as soon as he knew the amount of money in the treasury for school purposes, to apportion this money to the different districts of the county in proportion to the number of white children between the ages of five and twenty-one years. But no district was entitled to any such money unless a school had been maintained in that district for at least three months of the school year.¹²

Each school district was to be a body corporate, having the usual powers of a corporation, that is, it could enter into contracts, sue and be sued, and perform all other acts necessary to the conduction of a school. Money was paid out to the district treasury on orders drawn by the clerk for whatever purpose the money was used. It was the further duty of the clerk to prepare tax lists, and annex to such tax lists a warrant requiring the treasurer to collect the sums therein named. The treasurer was required to execute a bond to the district in double the amount of money, as near as could be ascertained, that would come into his hands during the year. This bond with sufficient security had to be approved by the director and the clerk, and was filed with the clerk. In case the treasurer failed to give bond as required by the act, then the district board appointed one who would properly qualify. The treasurer's duty was to apply to and receive from the county treasurer all school money apportioned to his district, to collect all district taxes assessed against the property of the district, and to pay over on the order of the clerk, countersigned by the director, all money received or collected by him. At the end of his term of office he was required to turn over to his successor all moneys in his possession and if any of it should be lost while in his keeping he was to forfeit to the district the full amount lost. All taxes raised and collected by any school district for any school purpose, was assessed on the same kind of property as taxes for county purposes were assessed.¹³

¹¹ *Ibid.*, Sec. 12.

¹² *Ibid.*, Sec. 5.

¹³ Session Laws, Dak. Ty., 1862, Chap. 81.

The law has been changed a number of times in its minor details but its principles still form the basis of our present school code. For a number of years subsequent legislation left that school law intact.

So that a public school system might not forever be a burden upon the people, Congress, in the Organic Act, laid the foundation for what is now known as the Public School Fund. The following is taken from that act:

“Section 14. And be it further enacted, that when the land in said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in the states hereafter to be erected out of the same.”

The words, “reserved for the purpose of being applied to schools in the states hereafter to be erected out of the same,” indicate that such lands were not so disposed of until after statehood was acquired. Further evidence is found in the state constitution. It provides that “After one year from the assembling of the first legislature, the lands granted to the state by the United States for the use of public schools may be sold.”¹⁴

There were no organized school districts in Dakota Territory up to the close of the year 1864.¹⁵ There had been no school taxes collected or even laid. At that time the school fund was very meager. A per capita tax of one dollar was authorized by the legislature of 1866.¹⁶ There is little evidence, however, that any of it was collected. The fines imposed for the illegal sale of intoxicating liquors, it was provided, were to go into and constitute a part of the common school fund, but it seems that the prosecuting officers of the various counties did not collect them.¹⁷ The legislature of 1864 enacted a law creating the office of Territorial Superintendent of Public Instruction, giving the power of appoint-

¹⁴ State Constitution, Art. VIII, Sec. 4.

¹⁵ Report, State Superintendent, 1868.

¹⁶ Session Laws, Dak. Terr., 1866, Chap. 31.

¹⁷ Kingsbury, History of South Dakota, Vol. I, 384-387.

ment to the Territorial Board of Education.¹⁸ Accordingly this board appointed to this office James S. Foster who thus became our first Superintendent of Schools in 1864. Superintendent Foster took the position that by collecting the one dollar per capita tax and by collecting the fines imposed for the illegal sale of liquor the territory would come into possession of school funds which would enable the schools to begin operations.

A general election was held in October, 1864, at which time county superintendents were elected in Union, Yankton, Clay, and Bon Homme counties. These superintendents were duly inducted into office but Superintendent Foster complains that "I have received no report from county superintendents, for the reason that there are no organized school districts in the territory." According to his report there had been, up to that time, no appropriation for the support of public schools and yet he said that there were 600 school children in the territory.¹⁹ We are left to infer that whatever schools there may have been at that time were supported by private tuition.

On the question of building schoolhouses in the early day, there is evidence to show, that, while local communities were helped some by territorial funds, most of the expense, and in some instances, all of it, was met by the local district. So far as money expense was concerned, there was not much of it. Most of the early settlements were along water courses where there was plenty of timber and the schoolhouses were built of logs. The roof, floors, furniture, and equipment, were of the most inexpensive type.

The only provision in the early days of the territory for providing funds for a building program was found in the general tax levy. In 1877 a law was passed which fixed a maximum levy of two per cent for building purposes.²⁰ The legislature of 1881 enacted a law by which school districts might sell bonds to raise funds for building schoolhouses. In the early days, when there was little property to be taxed, very little was accomplished or even attempted. However,

¹⁸ Session Laws, Dak. Ty., 1864, Chap. 84.

¹⁹ Report, Superintendent Foster.

²⁰ Session Laws 1877, Dak. Ty., Chap. 40.

the schools developed slowly and buildings were erected, partly by private funds and unpaid labor. Teachers' wages were paid by subscription or by public funds and subscription. Instances where public schools were maintained in part by private funds are found in the early history of Bon Homme county. County Superintendent D. P. Bradford, in a letter to Superintendent Foster in 1867, reported that only \$50 had been raised by taxation, while \$450 had been raised by subscription and the whole \$500 had been expended on teachers' salaries. M. S. Burr, county superintendent of Clay county, also reported for that same year that \$29.94 had been raised by public taxation and \$57.78 by private subscription for school purposes. A similar report was sent in from Yankton county.²¹

Financing the schools in the days before statehood was a simple matter and at the same time a serious one. The devotion of the people to education is very evident. They had begun their system in a most humble way. Many other important things were forced upon their attention. Lack of money was one of their greatest difficulties. Homes had to be built, the prairies brought under cultivation, and the Indians subdued or driven out. And yet, when South Dakota became a state, after a territorial existence of twenty-eight years, there was a school system in operation which has served well as a basis upon which the present system has been built.

CHAPTER II

The Common School Fund.

Section 2, Article VIII, of the constitution of South Dakota provides that;

"All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of all property that shall fall to the state by escheat;

²¹ Report, Superintendent Foster, 1868.

the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the state. It shall be deemed a trust fund held by the state. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the state shall make good all losses thereof which may in any manner occur."

On July 1, 1922, there had been sold of the lands set apart as indicated above 825,239.22 acres. The amount received by the state for this land was \$26,989,536.10. Of this amount \$14,493,770.49 had been paid in to the state and there was still outstanding as deferred payments on lands sold to the people, \$12,495,765.61. It is the interest on this vast sum which is spent each year for schools. However, this is not all for there was still left unsold 2,690,684.48 acres of school land and the rental from this is expended annually. The interest and income from the sale and rental of school lands in 1922 was \$1,795,259.05 and was enough to pay \$8.95 for each boy and girl in the state between the ages of six and twenty-one. The total expenditure for public schools that year was \$18,192,949.44. Thus in that year the school fund bore about one-tenth of the burden of public education. The amount of this money varies a little from year to year owing to the fact that not all of the unsold balance of the school lands is kept rented at all times, or may be rented for different amounts.¹

As to the selling of the school lands of the state Section 4, Article VIII of the state constitution provides that one year from the assembling of the first legislature, the school land may be sold, provided that not more than one-third shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title there-to is vested in the state.

The machinery for administering the school lands and funds arising from their sale was amply provided for. The

¹ South Dakota Manual, 1923, 105.

constitution left to the legislature the office of providing for their sale. This the legislature of 1890 did by enacting that the board of school and public lands shall be composed of the governor, commissioner of school and public lands, and the auditor, and it gave to this board the authority to designate the county in which lands were to be sold. When this had been decided upon, the lands were to be appraised, the commissioner, state auditor, and the superintendent of schools of the county in which the lands were located, acting as a board of appraisers. It was the further duty of this board of appraisers to designate the lands within this county which were to be sold. Lands could not be sold below the appraised value and since lands could not be valued at less than \$10 an acre, no lands were sold for less than that amount. The sale was advertised for sixty days in a newspaper circulating in the vicinity of the land. The purchaser was to pay in cash if he wished, but at least he must pay one-fourth in cash, one-fourth in five years, one-fourth in ten years, and the remaining one-fourth in fifteen years. The interest rate was five per cent.

The lands were to be sold at auction by the commissioner or by some one appointed by him. The place of sale was at the office of the county auditor of the county in which the lands were located. If the sale was for cash, and if the governor approved the sale, a patent was issued to the purchaser after the expiration of sixty days from the date of sale. If the land was to be paid for in installments, a contract was entered into by the commissioner and the purchaser, each party being provided with a copy. When the land was paid for a patent was issued as in the case of a cash sale.²

The money obtained for these lands constituted the main part of the school fund. Other sources were the five per cent of the proceeds of the sales of public lands within the state by the United States, all escheats, the proceeds of all gifts to the state for public schools, and the proceeds of all property acquired in any way for public schools.³ None of these sources, however, has contributed any considerable amount. No separate account is kept of the five per cent

² Session Laws, S. D., 1890, Chap. 136.

³ State Constitution, Art. VIII, Sec. 2.

sales. About \$75,000 have fallen to the state as escheats. There have been no gifts or donations.⁴

The unsold lands are leased but must be designated for this purpose by the board of school and public lands. They are leased for a period of five years by the county auditor in the manner of an auction sale.⁵

The money in the school fund could be loaned to farmers of the state, secured by first mortgages on real estate; or it could be used for the purchase of state or local school bonds of South Dakota. If the money could not be invested as thus indicated, the state was compelled to pay the interest on it the same as if it were invested. If there should be a greater demand for school money than there were funds to satisfy, more lands were sold.⁶ In 1911 the legislature passed an act providing that the board of school and public lands each year should select not less than fifty thousand acres nor more than one hundred and fifty thousand from the school and endowment lands of the state, and offer them for sale. The board could defer sales for any year if it wished, if it could be shown that financial conditions were not favorable, or if at the time the selection should be made there should be in the treasury of the state proceeds of the sale of school lands in excess of one hundred thousand dollars not invested and drawing interest.⁷ All interest on deferred payments, loans, and rentals of unsold school lands were deposited with the state treasurer and were apportioned to the various counties on the basis of the school census. This money was apportioned to the treasurers of the various school districts of the county and was used for the maintenance of the schools.⁸

It is interesting to note in this connection that the first school land sold in this state was the northeast quarter of section 16, township 93, range 54, in Yankton county and was bought by Thomas Inch, of Gayville, on March 23, 1891. Several other sales of small tracts were consummated in Union, Turner, Roberts, Moody, Minnehaha, Lincoln, Hughes, Grant, Codington, Clay, Brookings and Bon Homme counties,

⁴ Engstrom, O. P. J., Commissioner School and Public Lands, Pierre, S. D.

⁵ Session Laws, S. D., 1907, Chap. 136.

⁶ Ibid., 1911, Chap. 224.

⁷ Session Laws, S. D., 1911, Chap. 224, Sec. 30.

⁸ Session Laws, S. D., 1891, Chap. 56.

varying in price from ten to twenty-two dollars an acre. This was the beginning of the great common school fund of the state.⁹

Shortly after South Dakota became a state, in 1890, surveys covering enough of the state had been made that the total acreage of school lands at that time was 2,160,000 and in 1922 there were 2,690,684 acres. There had been sold during that time more than 800,000 acres.¹⁰ The explanation is simple. The location of school lands was being determined as fast as the settling up of the territory demanded. The survey of the external lines was begun as early as 1859 and was progressive thereafter until 1908, when the last townships were blocked out. The sectional survey of the townships began under contract let August 24, 1861, and that work was continuous down to 1910.¹¹ While lands were being sold each year new surveys were constantly adding more so that now there is a greater acreage of school lands than there was at the beginning.

Much of the school lands of older eastern states was disposed of at ridiculously low prices, and the schools of those states have suffered much thereby. Dakota was fortunate in having an adopted son who knew the evils of selling school lands at low prices. This man was General W. H. H. Beadle. General Beadle was born in Indiana and came to Dakota in 1869, having been appointed surveyor general of the territory. From the time he made his appearance in Dakota Territory, he began to agitate for the protection and preservation of the school lands. It was due to his efforts that the minimum price of school lands was fixed at \$10 per acre.

There were some good arguments against the proposition. Iowa was selling her school lands at from \$2 to \$4 an acre. Indiana had sold hers at about the same price. Illinois sold her lands at a very low figure. Many of the other eastern states were doing the same thing. In the next place, Hon. R. F. Pettigrew, then a delegate in Congress, and who at that time was trying to secure the passage of an enabling act, fixed \$2.50 an acre as the price at which Dakota would

⁹ Engstrom, O. P. J., Commr. School and Public Lands.

¹⁰ South Dakota Manual, 1923, 105.

¹¹ Engstrom, O. P. J., Commr. School and Public Lands, Pierre, S. D.

sell school lands. Also many people professed to believe that, at \$10 per acre, school lands could not be sold soon enough to do any good to any person then living. Another argument was that people proving up on pre-emptions could get loans of but about \$200 on quarter sections. Finally, it was contended, the land should be sold so cheap that the country could fill up with settlers. The early settlers were poor and the school tax was heavy and they wanted relief. Many of them took the stand that the people of the future state would be better able to take care of their own schools.

In 1885 the legislature provided for the calling of a constitutional convention. An election was held in June of that year and the delegates chosen met at Sioux Falls in September. Very early in the session the question of the disposition of the school lands went before the committee on education. Most members of the committee believed that this land should be placed upon the market early so that the proceeds might be available to settlers in their struggles to subdue the wild prairies. However, there was a determined minority of men on the committee who had such unlimited confidence in the possibilities of the soil and who believed if the land could be held until needed by the settlers at a minimum price of \$10 per acre that it would accumulate a magnificent endowment for the common schools of the new state. They so persistently held to their convictions that the entire committee soon adopted their view.

Beadle was not a member of this committee, but by request regularly met with the members during the later part of the session. There were no stormy sessions but there was much earnest work. Taking all their suggestions and the work they had done before he began meeting with them, he drew up Article VIII of the constitution on Education and the School Lands, which, with slight amendment, was finally unanimously reported to the convention and, toward the close of the sessions, was adopted, and then the people of the territory adopted the constitution.¹²

Sections 2275 and 2276 of the revised statutes of the United States, amended by act of Congress and approved

¹² South Dakota Historical Collections, III, 206-217.

February 28, 1891, provided that when lands granted to the state by act of Congress, approved February 22, 1889, should be lost to the state by reason of having been disposed of prior to the survey or when they should happen to fall within a reservation and the vesting of such lands in the state be thereby indefinitely deferred, other lands may be granted in lieu of such lands which had been lost. The only action by the legislature with reference to this matter was taken in 1917. By this action the board of school and public lands is authorized to locate the general grants of land made by Congress to this state and if section 16 or 36 or any part thereof in any township in the state were sold, or should fall within a government reservation, or if it should be otherwise disposed of, then the board shall select from the surveyed, unreserved and unappropriated lands of the United States, within the boundaries of South Dakota, other lands, equivalent in area and value, in subdivisions of not less than one-quarter section, and contiguous, if possible, to the section which has been taken. This selection must be approved by the secretary of the interior, or by the secretary of agriculture. The same procedure is necessary should it be found that sections sixteen and thirty-six or any part thereof are occupied by settlers who claim title under the homestead laws of the United States; or if the same should lawfully fall within a forest or other government reservation, or upon a lake or navigable river. There is a provision, however, that if the board, upon examination, should find that any land which might become vested in the state, borders on or is in the vicinity of, any lake, waterfall, or any natural curiosity and thereby has a peculiar value to the State, the same shall not be certified to the secretary of the interior as a basis for indemnity lands, but the state shall retain its claim to perfect title. The legislature enacted a law in 1911 to the effect that all islands and accumulations of land formed in the bed of navigable rivers or lakes which belong to the state shall be considered as school land and all revenues as rentals and sales of these lands shall go into and become a part of the school fund.

These are the so-called indemnity lands. They should in no way be confused with the endowment lands. Indemnity lands were for the benefit of the public schools. The endowment lands were for the benefit of normal schools, colleges, universities, penal, charitable, and industrial institutions of the state.

We have traced the history of the school fund of the state from its origin down to the present time. It is well founded, having its authority in the fundamental law of the state. It has been strengthened by legislative enactment until it does not appear that the state could ever lose any of its school fund. None of it ever has been lost.¹³ It is very probable that, should the state in any way unforeseen at this time, lose any of the money acquired from the sale of its vested lands, it would replace the lost funds by legislative appropriations. It will be evident that the school fund has been managed by competent hands. It must be kept invested, and no security but the best will be accepted. South Dakota is but thirty-six years old, but it has a school fund of approximately \$27,000,000 with millions more to be added through the sale of more than two and a half million acres of land. Due to the determined efforts of General Beadle the school lands were not disposed of in the early days of our history for a mere trifle, but a minimum price of \$10 was fixed and a board of appraisers was provided whose duty it was to see that when the lands were sold, they should be sold at prices current at the time of sale.

CHAPTER III

Public School Finances

Mention has been made of the very humble beginning of the public schools of South Dakota. This condition obtained not because the people did not want better accommodations, and not because they did not know what better schools were, but because there was no money with which to build better. Considering these facts it will be admitted that the progress that has been made by the state that is not yet two-score

¹³ Engstrom, O. P. J., Commr. School and Public Lands.

years old has been remarkable. Many events have contributed to the retardation and discouragement of the expenditure of money for school purposes. It required many years to subdue the wild, grassy prairies and western plains and bring them under cultivation. One of the first duties the early settlers had to perform was to provide themselves homes and to bring enough soil under cultivation to maintain their families. The tractor did not make its appearance for many years and in many other ways the farmer found himself not adequately equipped. Rains were not as abundant for good crop production as the farmer had been accustomed to and he had to learn a different method of farming. Some years the grasshoppers gave him serious trouble. Instances are on record where the entire summer's crop has been ruined by these pests.¹ In the early days the Indians were a real problem. All these difficulties had to be met and overcome before the school problem could really be attacked.

In justice to our pioneer fathers and mothers it should be said that schools were among the first things provided. As early as 1860 a log schoolhouse was built at Bon Homme. It was scarcely more than a shack, built of logs, size fourteen by eighteen feet, was without a floor and had one window, and was plastered on the inside with mud. During the summer a term of school was taught. As there was no machinery of government at that time and no taxing power it is inferred that the schoolhouse was built by voluntary labor and donations and that the teacher's salary was raised by subscription.

In 1866, however, it could be seen that progress was being made. In that year some of the districts maintained terms of school for nine months of the year. The schools for the most part were taught by competent persons. The expense of the schools was met by the proceeds of a per capita tax and by money raised by a tax on real and personal property in the school districts and by subscriptions. While a good school law had been passed by the first legislature in 1862 as yet the machinery of government operated imperfectly.

¹ Robinson, History of South Dakota, Vol. I, 235.

From the first, schools were organized and operated on the district plan. However, when General Beadle became territorial superintendent he attempted to change to the township system. He succeeded only partially for he did not remain in office long enough to make the change complete and was succeeded by A. Sheridan Jones. Superintendent Jones was not in sympathy with the plans of his predecessor and gradually we reverted to the old district system upon which we have been running ever since.²

There has been little change in tax legislation through the years except that the legislature has changed from time to time the maximum amount of the school levy. Usually districts which became independent were allowed to fix a higher levy than the rural district.

It has already been pointed out that the limit of the levy allowed by the law of 1862 was one-fourth of one per cent for teachers' wages, one-half of one per cent for building, and one-fourth of one per cent for equipment. This made a total maximum levy of ten mills.³ Mention has already been made of the one dollar per capita tax. This tax was authorized by an act of the legislature in 1866.⁴ It was to be assessed against every male resident twenty-one years of age. It was merely a poll tax. The growth of population had been so rapid and the need of schools so urgent that this legislature enacted a law providing for a maximum tax levy twice as high as that provided for by the law of 1862. However, money was hard to get in those days because it was scarce and it is little wonder that the legislature of 1869 reduced the twenty mill maximum levy to fifteen mills.⁵ The school finances were collected on that basis for almost a decade. By 1877 some wonderful things had happened. In 1876 gold had been discovered in the Black Hills, and the counties of Custer, Lawrence and Pennington were organized. The crops had been exceptionally good in 1877.⁶ It is not strange, then, that when the legislature met that year, the maximum school levy was fixed at

² South Dakota Historical Collections, III, 184.

³ Session Laws, Dak. Ty., 1862, Chap. 81.

⁴ Ibid., 1866, Chap. 31.

⁵ Ibid., 1869, Chap. 20.

⁶ Robinson, History of South Dakota, Vol. I, 287.

fifty mills.⁷ The rapid increase in population and values, due to the discovery of gold in the Black Hills as well as the wave of immigration into the agricultural districts of the eastern part of the state coupled with the high levy, produced a school revenue of more than \$250,000 by 1880.⁸ The affairs of Dakota did not warrant so much optimism, however, for the legislature of 1879 reduced the tax limit to thirty mills.⁹ When South Dakota became a state no difference was made in the scheme of taxation. A distinction was made between districts. The independent district was authorized in 1875 and the legislature of 1891 fixed the maximum at thirty mills for independent districts and twenty mills for rural districts.¹⁰ In 1907 the levy for independent districts was cut to twenty-five mills, and in 1915 to fifteen and one-half mills. In 1917 the maximum for rural districts was placed at fifteen mills.¹¹ No changes have occurred since that time. The 1915 legislature provided that if the tax levy raised insufficient funds, the question of increasing the levy might be submitted to a vote of the people and if three-fourths of them should vote for the proposition, the levy could be raised not more than two mills.¹²

So far there had been no provision for a minimum levy. But it was seen that a number of the rural districts were not making sufficient provision for their schools. In 1921 the legislature, on the recommendation of Superintendent Shaw, fixed upon two mills as the minimum levy for all the districts of the state.¹³

In addition to the school levies which we have discussed, there was in 1869 a provision made for what was called a general tax. This was a tax of two mills on the taxable property of the county. It will be seen that it was not the poll tax already referred to. In 1883, when the territory went under the township system, this county levy was changed to three mills, and the per capita tax was continued at one

⁷ Session Laws, Dak. Ty., 1877, Chap. 40.

⁸ Report, Commissioner of Education, 1881, 281.

⁹ Session Laws, Dak. Ty., 1879, Chap. 14.

¹⁰ Session Laws, S. D., 1891, Chap. 56.

¹¹ Session Laws, S. D., 1907, Chap. 135; 1915, Chap. 179; 1917, Chap. 216.

¹² Session Laws, S. D. 1915, Chap. 179.

¹³ Ibid., 1921, Chap. 209.

dollar as it had been. At the same time the basis for the apportionment was changed somewhat, being based on the school census as before 1883, but only children between seven and twenty were counted.¹⁴ Several attempts have been made to authorize a general territorial or state tax, but the legislature has never taken kindly to this suggestion.

Another source of income to some of the schools is the tuition charge to non-resident pupils. Prior to 1921 there was no law authorizing such a charge in grades below the high school. In that year, however, a law was enacted which provided that if a pupil resided nearer to some school in another district than he did to the school in his own district, the school board might make arrangements for the schooling of such pupil at this other school by paying a tuition at a rate which was not to exceed the per capita cost in that school. By agreement, however, the charge might be less.¹⁵

A tuition charge for attendance at high schools outside of the district was authorized by the legislature of 1907. By that act, any pupil who successfully completed the work of the eighth grade as established in the state course of study, and who held a common school diploma granted by the county superintendent, was privileged to continue his school work in any high school, graded school, or normal school in the state furnishing a higher course of study, and \$3.50 per month of the tuition charge was to be paid by the board of his home district from its general fund, if the home district did not provide instruction in grades above the eighth. If the charge was more than that, however, then the pupil, or his parent or guardian paid the balance.¹⁶

In 1921 the law was changed. By the new law the county superintendent determined the per capita cost of high school instruction for each high school in his county. This was done from reports filed with him the previous year. The clerk of any district maintaining a high school collected this tuition from the home district from which any child should come.¹⁷

¹⁴ Session Laws, Dak. Ty., 1883, Chap. 44.

¹⁵ Session Laws, S. D., 1921, Chap. 206.

¹⁶ *Ibid.*, 1907, Chap. 135.

¹⁷ *Ibid.*, 1921, Chap. 214.

The school law of 1925 changed this somewhat by providing that the tuition charge should not exceed \$15 per month.

Great progress has been made by the state in the matter of schoolhouse building. To-day there is a vast difference between the houses of the eastern part of the state and those of the western part. East of the Missouri river the rural schoolhouses are well built structures, most of them frame but some are stone and some are built of brick. West of the river there are numerous well built structures most of which are frame buildings, but there are at this time many schoolhouses built of sod and in the Black Hills district where timber is comparatively plentiful there are still many log schoolhouses. In the towns and cities the differences are not so great. Many of the schoolhouses of the western towns would be a credit to any town of equal size in any part of the United States.

It has been stated that our early schoolhouses were built by donations and volunteer labor. After this period and until schoolhouse building assumed greater proportions, money was raised by issuing warrants. There was a tendency to abuse the privilege accorded to boards of education in this matter and later, in 1881, a law was passed whereby bond sales were required but there was no limit to the amount of indebtedness that could be incurred.¹⁸ In 1891 a law was passed allowing bonds to be issued to the amount of three per cent of the assessed valuation.¹⁹ In 1893 this was raised to four²⁰ per cent and in 1907²¹ independent districts were authorized, at their discretion, to raise it to five per cent.

In arranging for a bond sale it was provided that the initiative must be taken by the voters of the district at either a regular district meeting or a special meeting lawfully held for the purpose. They determined by a majority vote whether or not the question of a bond issue should be submitted to the people. Gradually, however, the district meeting fell into disuse and now the proposition to vote on a bond issue

¹⁸ Session Laws, S. D., 1881, Chap. 41.

¹⁹ *Ibid.*, 1891, Chap. 56.

²⁰ *Ibid.*, 1893, Chap. 78.

²¹ *Ibid.*, 1907, Chap. 135.

must come from the board of education. This is done by adopting a resolution setting forth the purpose of the bonds, the amount and rate of interest and the time of maturity.

Notice of election for the purpose of taking the sense of the school corporation upon the question of issuing bonds must be published by the clerk for four successive weeks next prior to the date of holding such election, in a newspaper published in such district, or if there be no newspaper the same must be posted in three of the most conspicuous public places in the district at least thirty days prior to the election. If sixty per cent of the votes cast at such election shall be in favor of the proposition the bonds shall be issued.

When the bonds are sold proper provision must be made for their retirement. This calls for a sinking fund as well as an interest fund which must be large enough for these purposes. The bonds may be issued serially or to be paid for in one sum. That is, part may become payable in five years, part in ten, part in fifteen, and part in twenty years, but in no case can bonds be issued for a longer period than twenty years. If for any reason the bonds cannot be paid at maturity they may be refunded and the process is the same as in the original issue.²² Due to this provision in our law there has been a somewhat rapid improvement in the building program of the state especially in the last decade.

The early schools had very little to boast of in the matter of equipment. In the first year of the territory there was no provision for raising funds for this purpose. The school law of 1862 had cared for this by providing that the district meeting might levy a tax of not more than one-fourth of one per cent to buy equipment. It did not make any provision which would allow any of it to be diverted to other purposes. Even this plan was inoperative for the reason that the machinery of government had not begun to function properly. In the school law which was operative in 1874, we find this provision:

“Section 20. The inhabitants qualified to vote at a school district meeting, lawfully assembled shall have power: To vote such a tax as may be necessary to fur-

²² Session Laws, S. D., 1907, Chap. 135.

nish the school house with blackboards, outline maps, stoves, furniture, and apparatus necessary for illustrating the principles of science, or to discharge any debts or liabilities of the district, lawfully incurred; Provided, that said tax shall not exceed one per cent in any year, and may be applied to any other purpose by a vote of the district at any regularly called meeting.”²³

The law of 1879 changed this to one-half of one per cent.

The law of 1887 changed the manner of raising money for equipment. Section 58 of the school law passed by the legislature of that year, provided that “The school board of the township shall have power to levy upon all the property subject to taxation in the township a tax for school purposes of all kinds authorized by law, not exceeding a rate of three per cent, or thirty mills on the dollar, in any one year.” This tax was to be levied by resolution to which a majority of the board must assent and had to be done before August 15 of each year. No certain amount was to be set aside for equipment or any other purpose. Each board could apportion the school money at its own pleasure. In general except as to amount of the levy this plan has been followed ever since.

In a new country where government had hardly established itself, it would scarcely be expected that much money would be available for equipment. Accordingly we find that the equipment of the early schools was very meager and restricted to the barest necessities. But as the state progressed in material prosperity, and more and more money became available more and better equipment was purchased.

The writer visited about thirty schoolhouses in rural districts, taken at random, and it was found that the equipment was fairly good. Most of them were provided with organs, some had pianos, all had maps, globes, charts, a working library, textbooks, atlas, dictionary, etc. In at least two respects nearly all the schools visited were deficient. Only a very few were supplied with good drinking water. Three had wells and four had springs but the others had to carry or haul their water from farm houses a distance of from forty rods to a mile. One teacher lived in a town five

²³ Session Laws, Dak. Ty., 1874, Chap. 40, Sec. 20.

miles away and every day filled two jugs with water and took them to school with her. All the schools visited were supplied with outdoor toilets. Only a few of them were well enough constructed to keep out the snow and the rain. None of them were screened, and many were in a condition which was disgusting in the extreme. There is, however, evidence that more attention is being given to these things and we may confidently look forward to the time when better conditions will prevail. One other thing should be mentioned and that is that all these schoolhouses were heated with unjacketed stoves. The stoves were located near the center of the room and pupils seated near them were uncomfortably warm while others farther away were too cold for comfort. Most of the stoves were of the ordinary box variety and only a few schoolhouses were supplied with good ones.

In these respects the schools of the towns and cities are different. Most of them are steam-heated thus insuring a uniform, well distributed heat. Practically all are well supplied with reference books, a plentiful supply of textbooks, maps, globes, charts, libraries, and laboratories. Sanitary toilets and drinking fountains are the rule. Playground apparatus is found in about all the towns and much attention is being given to providing schools with reproductions of famous paintings, and portraits of our best known men and women. In this matter women's clubs and parent-teacher associations have done much to provide playground apparatus and pictures for schools. They have done this by influence brought to bear upon school boards, and by various forms of entertainments using the proceeds to that end. In this same manner the schools themselves have done and are doing much.

Teachers' salaries have had an interesting history. In a previous chapter it was noted that salaries in the beginning were extremely low. Of course salaries in that day cannot be compared with salaries of today, at least on the same basis. A dollar at that time had far greater purchasing power than it has at present. Statistics show that salaries increased almost one hundred per cent from 1866, when the first data were available, to 1889, when South Dakota

became a state. From the days of statehood until the present time the rate of increase has been almost as remarkable. Salaries were necessarily low at first because there was little money with which to pay and the settlers had first of all to establish homes. On the part of the state department and also the people, there has been a constant demand for better teachers. Better teachers can command better salaries. The South Dakota Education Association has always sought to secure a higher remuneration for teachers and at the same time has urged better qualifications and better teaching. A special committee of the association made a careful study of the salary question and made its report in 1919. There is no doubt that this report was a very strong factor in raising and stabilizing salaries. A marked increase in teachers' salaries began about 1918. The high mark was reached in 1921 and 1922. This was due largely to the shortage of teachers caused by the World War and also to the sharp increase in the cost of living as well as the increased cost of everything. Wages of all kinds increased at the same time. Salaries could not be maintained at this high level and since that time there has been a slight decrease. There is no indication at this time that salaries will continue to decline to any very great extent. The teaching profession is not yet paid for its services as much in proportion as the other professions. There is no doubt that a fair-minded public would support a higher salary schedule. The legislature of South Dakota has never attempted to fix salaries, except for county superintendents, as has been done in some states.

Institutes have been in existence in this state practically from the beginning. It was felt that they were necessary because there were no normal or other higher schools and teachers attended them for the same reason that they to-day attend summer schools. At first the institutes were territorial in scope but as the population increased it became necessary to abandon the territorial institute and substitute therefor the county institute. As late as 1883 there was no provision in the law for the support of institutes, but in that year the legislature appropriated \$600.²⁴ Section 38 of the

²⁴ Session Laws, Dak. Ty., 1883, Chap. 49.

school law of 1887 provided that "Every applicant for a certificate shall pay one dollar to the county superintendent, which shall be deposited with the county treasurer as an institute fund and remain subject to the order of the superintendent. The institute fund shall be used to defray the expenses incurred in the conduct of teachers' institutes only." The county superintendent was held responsible for the money and at the end of each year made a full and accurate report to the territorial superintendent.

South Dakota was busy with affairs of statehood at this time so we find no further changes until 1891. In that year the legislature appropriated enough money so that each county might have \$50 of state money to defray institute expenses. Institutes were no longer to be free to the teachers for a fee of one dollar was charged each teacher in attendance, and the law creating an institute fund still remained intact.²⁵ The law of 1893 made another change. This law discontinued the one dollar attendance fee and provided that the county superintendent should certify to the county treasurer the number of teachers in attendance and that officer was authorized to transfer \$2 from the county general fund to the institute fund for every teacher in attendance.²⁶ There was another change in 1907. Instead of basing support on the number of teachers in attendance, ten cents was allowed for each child of school age and this amount was transferred to the institute fund; provided, that if this plan did not yield \$150, then the county treasurer was to make up the balance out of the general fund of the county.²⁷ By the law of 1909 the county superintendent was empowered to divide his county into any convenient number of districts for institute purposes. Teachers were allowed \$2 for attendance at these institutes together with five cents per mile for each mile necessarily traveled and was to forfeit \$1.50 should he fail to attend. This is the last legislation found upon our statute books with reference to institutes.²⁸

The South Dakota Education Association is in reality an institute and can be consistently discussed here. The idea

²⁵ Session Laws, S. D., 1891, Chap. 56.

²⁶ Ibid., 1893, Chap. 78.

²⁷ Session Laws, S. D., 1907, Chap. 135.

²⁸ Present Law, 1925.

of an education association was no doubt suggested by the custom of holding territorial institutes in the early days and by the organization of similar bodies in other states. From the beginning the chief support of the association has been from membership fees. These were one dollar annually until 1919 when they were increased to \$1.50. There is also a life membership fee of \$25 for any person who wishes to take advantage of it. In the early years the membership fee was the sole support, but as the association grew in importance, cities desiring to entertain it began to contribute something each year to the support of the program. About 1920 an effort was put forth to have all teachers in the state become members of the association, regardless of attendance, and this has been fairly successful, producing a considerable fund. Entertaining cities are no longer asked to contribute to the program fund. The Association has never had an appropriation from the state, but the state did finance the Educational Survey promoted by the Association.²⁹

South Dakota is one of the few states of the union which has a law making it possible for schools to provide free textbooks for the children of the state. Until 1907 books were provided at the expense of the parents. In 1907 a law was passed which provided that when a majority of the voters of the district petitioned the board of education to provide books for textbook purposes the board should act. Warrants were to be drawn upon the county general fund for payment. The law was amended in 1919 and again in 1921 but no change has been made in the plan of financing. The plan contemplates a county textbook committee composed of the county superintendent as chairman, the other members of which were the county auditor, who was secretary of the committee, the chairman of the board of county commissioners, and two rural teachers who are residents of the county. This committee was to meet in the office of the county superintendent on the second Tuesday of June, 1922, and every five years thereafter, and adopt a series of school books for the use of the county. Such books are adopted for five years, and any teacher or board of education, or

²⁹ Robinson, Doane, Pierre, S. D., correspondence, July 25, 1925.

trustee who shall use or provide other books than those provided by the textbook committee, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25 nor more than \$100. The county auditor is the purchasing agent in buying textbooks and he takes charge of the books unless the county superintendent has a place for them and also an office clerk to attend to any orders which might come in. The clerk of the district shall ascertain the number of books needed in his district and the county auditor shall furnish the books and charge the school district for the same and deduct the amount from the first installment of the school fund money belonging to the district and give the district credit for the same.³⁰ In reality, however, the independent districts do not operate on this plan. Books to be used in such districts are often unlike those used in the county. They are adopted as a rule by the board of education of that district on the advice of the superintendent and are paid for the same as other expenses of the school.

There seems to be no available data showing what the annual expenditure for textbooks has been. The life of a textbook in the hands of the pupil is about three years. Thus this enormous cost is charged to the tax payers on an average every three years.

In regard to supervision in the schools, the county superintendent should be considered first not because he is more important, but because he came into existence first. There was no provision in the law of 1862 for paying a county superintendent, but the legislature of 1864 passed a law allowing him \$2 a day for each day of actual service, and he was to be give a reasonable sum for making out his annual report. We do not know what this reasonable sum was and it is quite probable that it varied in the different counties.³¹ In 1887 the county superintendent's salary was raised to \$3 a day for actual service and ten cents per mile for traveling expenses. There was a further provision for a salary based upon population. In counties of 2000 population and less this was to be \$100; up to 4000, \$200; and up to 10,000,

³⁰ Session Laws, S. D., 1907, Chap. 10.

³¹ Session Laws, Dak. Ty., 1864, Chap. 84.

\$300.³² Salaries continued on this basis until 1891, when the salary plan changed and was made payable quarterly and was based entirely on population. For the first 1,000 people the salary was fixed at \$200, and for each additional 1,000 it was to be \$100 more but no county superintendent was to get more than \$1,500³³ By the law of 1897 the salary was determined by two factors, viz, assessed valuation and population. On the first \$100,000 valuation he was to get one mill per dollar, on the next \$500,000, three-eighths of a mill; on the next \$500,000, one-fourth of a mill; on the next \$1,500,000, one-tenth of a mill; and on each dollar above \$2,600,000, one-twentieth of a mill. On the first 1,000 population he was to get \$75, and on each additional 1,000, \$50. The maximum salary was placed at \$1,500.³⁴ This was changed again in 1915. This law provided for a salary of \$500 for the first \$5,000,000, and for each additional \$1,000,000 up to \$10,000,000, \$50; and from \$10,000,000 to \$15,000,000, \$25; from \$15,000,000 to \$20,000,000, \$15; from \$20,000,000 to \$35,000,000, \$10; and after that he was to get \$5 for each additional million. On the basis of population he was to get \$100 per thousand up to 5,000; \$25 for each additional 1,000 up to 8,000, and \$5 for each 1,000 above that. No county superintendent, however, was to get less than \$900 and not more than \$2,000.³⁵ The act of 1919 was passed in an effort to equalize the salaries of county superintendents between small and large counties. By this law the county superintendent received \$1,000 for the first 1,000 population; \$200 for the next 1,000; \$100 for the third 1,000; \$50 for each 1,000 up to 10,000; and \$35 for each additional 1,000 after that. In counties of less than 25,000 population, the county superintendent was to get not more than \$2,200, and in counties of more than 25,000 population \$2,400 was the maximum. The minimum salary was fixed at \$1,800. The law of 1919 is still in effect.³⁶ Much could be said and ought to be said with reference to the efficiency of the county superintendent's office, but such a discussion would manifestly

³² *Ibid.*, 1887, Chap. 46.

³³ Session Laws, S. D., 1891, Chap. 56.

³⁴ *Ibid.*, 1897, Chap. 57.

³⁵ *Ibid.*, 1915, Chap. 179.

³⁶ *Ibid.*, 1919, Chap. 170

be out of place in this study. The office is of no particular significance in this state. Rural schools are sadly in need of competent supervision. This is not necessarily because of the incompetence of the incumbents but because of the numerous duties that are to be performed.

As to an assistant county superintendent, there was no provision until 1907. By the law of that year the legislature authorized the county superintendent to appoint an assistant if the county had a population of 8,000 or more, provided there were at least seventy-five schools in the county. No salary was stipulated but he was to get whatever the county commissioners would pay. There have been no further changes in the law relative to salaries of deputy county superintendents. The deputy must qualify in the same manner as the county superintendent.³⁷

Standing at the head of the public school system of the state is the Superintendent of Public Instruction. This office was provided for by act of the legislature in 1864.³⁸ He had general supervision of the schools of the territory and attended to the administration of the school law. The salary of the first territorial superintendents was placed at \$3 a day for every day of actual service. The salary remained at that figure until the year 1868 when by legislative enactment it was raised to \$4 for each day spent in the discharge of his duty.³⁹ About that time changes in the salary of the superintendent were frequent but none of them were marked. In 1872 the legislature placed the salary at \$600 but changed it again in 1874 to \$5 per day for 125 days. In 1877 it was put back to \$600 and in 1879 he was allowed \$400 more, not as salary but to meet the expenses of his office. In 1883 the salary was increased to \$1500 per year, and the provision for \$400 for expenses was continued and \$500 more was allowed for office supplies.⁴⁰ In 1887 a radical change was made, for in that year the salary was increased to \$2500 per annum⁴¹ but in 1889, by constitutional provision, the salary was placed

³⁷ Ibid., 1907, Chap. 135.

³⁸ Session Laws, Dak. Terr., 1862-64, Chap. 20.

³⁹ Ibid., 1868-69, Chap. 20.

⁴⁰ Ibid., 1872, Chap. 11; 1874, Chap. 40; 1877, Chap. 40; 1879, Chap. 47.

⁴¹ Ibid., 1887, Chap. 47.

at \$1800 where it has remained ever since, though some attempts have been made to increase that amount by constitutional amendment.⁴² None of these attempts have succeeded, however, and our state superintendent remains one of the most poorly paid officials of any like position in any state of the union. To offset this difficulty an allowance of \$100 per month is made for expenses.

The state superintendent has general supervision of all the country schools. The county superintendents are subject to his order; school matters may be appealed to him and his decision is final in cases that would not properly come before the courts; every four years he codifies the school laws of the state; in a large measure the county institutes are under his control; he grants all the higher certificates; he has general control of city systems and city superintendents, in that in person or by special official he visits and inspects city high schools and accredits them; he selects the books for the reading circle work and has general management of the same. Thus he is a very important official and it is very necessary for the welfare of the schools to have a good, strong administrative man in that position. But to get such a man means that better salaries must be paid. The fact that the people of South Dakota have voted a number of times on a constitutional amendment, which if adopted, means that the state superintendent's salary will be raised much higher than it now is, indicates that the most thoughtful of our people are aware of his salary limitations, and we may confidently look forward to the time when this condition will be changed.

In the early days of the territory there was little if any need of a deputy superintendent. As time passed and the territory began to fill up, and children and schools became more numerous, the duties of the superintendent became more burdensome. The office of the deputy superintendent was created by law in 1874, but it was intended that this officer should have supervision over what is now North Dakota and, from time to time, was to report to the superintendent. He was to have a salary of \$5 a day for a maximum

⁴² State Constitution, Sec. 2, Art. XXI.

period of forty days.⁴³ In 1883 the law was changed so that he was designated as the assistant superintendent. He was to be appointed by the governor for a term of two years and was to get a salary of \$1,000.⁴⁴ The legislature of 1887 did not make any appropriation for this purpose and the office went out of existence until 1891. At that time the state superintendent was given authority to appoint an assistant who was to receive a salary of \$1200.⁴⁵ This has been raised from time to time until at this time he gets a remuneration of \$3,000 a year.⁴⁶

Within very recent years several departments have been added to the state superintendent's office, the purpose of which is to make the work of the office more effective by controlling more definitely and effectively the activities that a rapidly growing school system has thrust upon it. It has been stated that the state superintendent, in person or by deputy, inspects the high schools of the state and accredits them to higher institutions. The number of high schools has become so large that it takes all of one official's time to inspect these schools. Accordingly one of the recent additions is the state high school inspector. This officer makes an inspection of all the accredited high schools of the state and all others seeking accreditation. He makes his report to the office and recommends or refuses to recommend a high school for accreditation. His recommendation is usually followed.

There is also a rural school inspector. It is his duty to ascertain the merits of rural schools which are seeking state aid. Then there is a director of Americanization; a supervisor of home economics; supervisor of agriculture; and there are numerous other clerks and assistants.⁴⁷ The salaries of state superintendent, assistants, deputies, clerks, and help of all kinds are paid from appropriations made by the legislature and any unexpended balance reverts to the general fund.

⁴³ Session Laws, Dak. Ty., 1874, Chap. 39.

⁴⁴ Ibid., 1883, Chap. 44.

⁴⁵ Session Laws, S. D., 1891, Chap. 56.

⁴⁶ Report, State Auditor, 1923, Vol. I, Part I.

⁴⁷ Report, State Auditor, 1923, Vol. I, Part I.

CHAPTER IV

State Institutions of Higher Learning.

A federal statute had been passed by Congress in 1881, granting lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes.¹ The lands which had been promised by this act were, by the Enabling Act, vested in the states of South Dakota, North Dakota, and Montana. If these states should be admitted into the union, lands to the full amount of seventy-two sections were to be vested in each of the three states mentioned above. The lands were to be selected from any of the unsold, or unappropriated lands of the state. Because of this provision the endowment lands are found located in the various counties of the state, at random, just as the unsold or unappropriated lands happened to be located. This provision of the law gave a total of 46,080 acres which were to be rented or sold and the proceeds were to constitute a permanent fund, which was to be safely held by the states in question and invested under sufficient guarantees, and the income from the investment was to be used for university purposes. Section 16 of the Enabling Act made a further grant of 120,000 acres to South Dakota which was to be used in the same manner as indicated above, for the support of an agricultural college. South Dakota was dealt with more liberally by the federal government than either North Dakota or Montana, for they received only 90,000 acres for this purpose.

The reason for this is found in the Morrill Land-grant Act of 1862. This act proposed to vest each state in the union with lands, or with land script if there were no longer any unappropriated lands within the boundaries of the state, with which to endow an agricultural college in each state. The individual states were to get 30,000 acres for each senator and representative that state had in Congress. South Dakota, when admitted, would have two senators and two representatives. The other states had two senators but only

¹ Revised Statutes of U. S., "An Act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes."

one representative. Hence they received 90,000 acres, while South Dakota was allotted 120,000 acres.²

But these grants do not make up all of the land that was given for higher educational purposes. By federal statute passed by congress and approved September 4, 1841, lands were granted to new states for the purpose of making internal improvements; and by section 2479 of another act passed by Congress and approved by the president September 28, 1850, grants of swamp and overflowed lands, and grants of saline lands were made to certain states. Now by the Enabling Act these provisions were made inoperative so far as South Dakota was concerned. In lieu of any such lands South Dakota was to get: "For the School of Mines, 40,000 acres; for the reform school, 40,000 acres, for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university 40,000 acres; for state normal schools, 80,000 acres; for the public buildings at the capital of said state, 50,000 acres, for such other charitable and educational purposes as the legislature of said state may determine, 170,000 acres; in all 500,000 acres."³

The income from the proceeds of these lands together with the rentals from the unsold lands constitutes one of the sources of support of our state institutions.

Another source of support of our educational institutions of higher learning is the tuition charge which each of them makes. This charge, however, is merely nominal because the State of South Dakota from the beginning has tried to make it possible for every young man and young woman to get an education without being burdened beyond their ability to pay. The legislature of 1897 passed a law which gives to the board of regents the right to fix the rates of tuition and other fees paid by the students, but it also provides that this tuition shall be the same in all institutions under its direction for the same instruction. It further provides that each state senator may appoint two students and each state representative may appoint one who may enter any of the state schools of higher learning, free of tuition, and may remain

² Bulletin, 1918, No. 13, Dept. of Interior, Bureau of Education.

³ Enabling Act, Section 17.

without charge as long as the senator or representative remains in office. While the income from tuition charges is rather insignificant, when compared with the amount of money actually needed it is of enough consequence to deserve treatment here.⁴ At first there was no charge to residents of this state. At the time of passage of the law of 1897, just referred to, tuition was being charged as follows:

For residents of this state, per term,	\$1.00
For non-residents, per term,	3.00
For incidentals, per term,	2.00

In 1901 a higher rate was being charged and there does not appear to be any discrimination between resident and non-resident students.

Tuition, per semester,	\$3.00
Incidental fees, per semester,	3.00
Diploma fee	5.00

The rates were fixed at \$6.00 for one semester in 1916 but in 1919 it was made payable in payments of \$4.00 per quarter. In 1924 tuition was raised to \$10 per semester and in 1925 this was again raised to \$20.⁵ The figures here given are for tuition in the arts and sciences courses and others considered to be of the same kind. Rates for other courses vary somewhat from these but all have been raised in about the same proportion.

The principal source of support, however, is from appropriations by the state legislature. An effort was made at the session of the legislature in 1875 to secure an appropriation for the territorial university, called at that time "The University of Dakota." The attempt failed. In 1881 came the grant from Congress of 72 sections of land which has been mentioned in another connection. On March 13, 1882, due especially to the activity of citizens of Vermillion, Clay county issued bonds to the amount of \$10,000 to erect buildings. A building was erected and the next year the legislature made its first appropriation to this school. A destructive fire occurred in 1893 and this time Clay county contributed \$30,000, the people of Vermillion, \$12,500, besides \$2,500

⁴ Session Laws, S. D., 1897, Chap. 58, Sec. 12.

⁵ Catalogs of state educational institutions.

which was raised for equipment. For the rest the University has been supported chiefly by appropriations.⁶

The legislature of 1883 located the College of Agriculture and Mechanic Arts at Brookings. At the same session the Eastern Normal was located at Madison and the Spearfish Normal at Spearfish. Appropriations were made during that same session to the Agricultural College and to the Eastern Normal, but no appropriation was made to the Spearfish Normal until the next session of the legislature in 1885.⁷

The Southern Normal was located at Springfield in 1881. This location was conditional, however, upon the village providing a site for the building. The people of Springfield did not wait for legislative action in the matter but, at their own expense, erected a suitable building and turned it over to the Regents in 1895. In 1900 this school received its first state appropriation.⁷

The School of Mines was placed at Rapid City by the legislature in 1887. A legislative appropriation had been made for this school at the session two years before.⁷

The Northern Normal and Industrial School is our youngest state educational institution. It was located at Aberdeen by the legislature in 1899 but no appropriation was made until 1901. The school was opened in 1902.⁷

The following table gives the state appropriations received by our state institutions of higher learning. The figures given here are for five-year intervals, but there have been appropriations regularly since the first one was made.⁸

	University	State College	School of Mines
1885	\$ 25,950.00	\$ 25,500.00	\$ 5,500.00
1890	24,000.00	18,000.00	8,000.00
1895	20,000.00	6,000.00	7,000.00
1900	31,100.00	18,000.00	11,400.00
1905	60,000.00	36,000.00	34,050.00

⁶ South Dakota Manual, 1923.

⁷ Robinson, History of South Dakota, Vol. I, 472.

⁸ South Dakota Manual, 1923, 233-257. The figures for 1925 were obtained from the Dept. of History, Pierre.

1910	80,500.00	55,750.00	28,000.00
1915	125,000.00	94,150.00	31,750.00
1920	223,500.00	236,500.00	53,500.00
1925	434,950.00	515,520.00	128,300.00

The State Normal Schools

	N. Normal	Madison	Spearfish	Springfield
1885	\$.....	\$ 14,500.00	\$ 14,500.00	\$.....
1890 ....	.....	11,700.00	11,700.00	.....
1895 ....	.....	12,500.00	12,500.00	.....
1900 ....	.....	14,350.00	14,350.00	.....
1905	22,100.00	25,200.00	25,200.00	13,000.00
1910	40,000.00	32,000.00	32,000.00	17,000.00
1915	62,500.00	39,500.00	39,500.00	25,000.00
1920	104,500.00	65,250.00	65,250.00	34,500.00
1925	204,500.00	125,200.00	112,900.00	75,500.00

The only conclusion that could be drawn from these figures is that the gradual increase in the amount of the state appropriation is due to the increased attendance of students at the various institutions. This is just what we would expect in a new state in which population is rapidly increasing.

It should be stated that the appropriations here indicated were parts of the general appropriation bills and were for maintenance only. Appropriations needed for building purposes had to be secured by means of special appropriation bills. These special appropriations show that all of our state institutions have been liberally helped by state funds at irregular intervals and for various amounts.

For Buildings

	University	State College	School of Mines
1885	\$ 25,000.00	\$ 20,000.00	\$ 10,000.00
1886	37,000.00	55,520.00	23,000.00
1887	4,000.00	.....	.....
1888 .....	.....	.....	.....
1889 .....	.....	.....	.....

1890	.....	.....	.....
1891	.....	.....	.....
1892	.....	.....	.....
1893	.....	.....	.....
1894	.....	.....	.....
1895	.....	.....	.....
1896	.....	.....	.....
1897	.....	.....	.....
1898	.....	.....	.....
1899	.....	19,500.00	.....
1900	.....	54,610.78	.....
1901	40,000.00	.....	20,000.00
1902	.....	.....	.....
1903	.....	32,000.00	25,000.00
1904	25,000.00	.....	.....
1905	.....	16,000.00	.....
1906	.....	.....	.....
1907	25,000.00	2,000.21	16,500.00
1908	25,000.00	25,000.00	.....
1909	33,765.00	45,000.00	8,020.00
1910	.....	.....	.....
1911	32,000.00	110,500.00	.....
1912	.....	.....	5,000.00
1913	75,000.00	13,000.00	.....
1914	.....	.....	.....
1915	.....	75,000.00	.....
1916	.....	235,000.00	.....
1917	125,000.00	.....	.....
1918	25,000.00	.....	.....
1919	10,000.00	.....	102,000.00
1920	.....	126,200.00	.....
1921	.....	.....	58,000.00
1922	.....	58,000.00	.....
1923	250,000.00	.....	.....
1924	.....	.....	.....
1925	.....	83,500.00	.....

The Normal Schools

	N. Normal	Madison	Spearfish	Springfield
1885	....\$.....	\$ 13,600.00	\$.....	\$.....
1886	....	35,000.00	25,000.00	.....
1887	....	.....	.....	.....
1888	....	.....	.....	.....
1889	....	.....	.....	.....
1890	....	.....	.....	.....
1891	....	.....	.....	.....
1892	....	.....	.....	.....
1893	....	.....	.....	.....
1894	....	.....	.....	.....
1895	....	.....	.....	.....
1896	....	.....	.....	.....
1897	....	22,000.00	25,000.00	.....
1898	....	.....	.....	.....
1899	....	11,470.00	.....	.....
1900	....	.....	.....	.....
1901	.... 30,000.00	35,000.00	24,000.00	18,000.00
1902	....	.....	.....	.....
1903	.... 35,000.00	.....	.....	24,000.00
1904	....	.....	.....	.....
1905	.... 15,000.00	18,000.00	55,000.00	.....
1906	....	.....	.....	.....
1907	....	25,000.00	.....	.....
1908	.... 30,000.00	.....	.....	.....
1909	.... 45,000.00	6,500.00	30,000.00	.....
1910	....	5,000.00	.....	.....
1911	.... 31,000.00	12,500.00	26,500.00	35,000.00
1912	....	.....	13,000.00	.....
1913	.... 40,500.00	55,000.00	.....	6,500.00
1914	....	.....	70,000.00	.....
1915	.... 65,000.00	35,570.00	.....	2,000.00
1916	....	.....	7,500.00	.....
1917	.... 133,500.00	8,000.00	.....	7,000.00
1918	.... 10,000.00	.....	.....	.....
1919	.... 13,000.00	.....	.....	.....
1920	....	.....	19,800.00	.....
1921	....	27,900.00	.....	.....

1922	.....	.....	.....
1923	45,302.00	.....	.....
1924	.....	.....	.....
1925	.....	350,000.00	.....

Appropriations are regularly made to the offices of State Superintendent, Commissioner of School and Public Lands, and the Board of Regents.

	State Supt.	Commr. of S. & P. L.	Board of Regents
1890	\$ 5,000.00	\$ 3,953.00	\$.....
1891	4,700.00	7,150.00	1,000.00
1892	4,700.00	4,930.00	1,000.00
1893	4,926.25	8,387.50	1,500.00
1894	4,926.25	8,387.50	1,500.00
1895	5,184.00	7,400.00	1,500.00
1896	5,188.00	7,600.00	1,500.00
1897	5,000.00	7,300.00	2,600.00
1898	5,000.00	7,300.00	2,600.00
1899	5,000.00	9,140.00	2,600.00
1900	5,705.37	9,140.00	2,600.00
1901	5,000.00	13,410.00	2,500.00
1902	6,000.00	13,410.00	2,500.00
1903	7,300.00	13,550.00	8,000.00
1904	8,100.00	13,550.00	8,000.00
1905	7,400.00	16,750.00	8,250.00
1906	7,400.00	16,750.00	8,250.00
1907	7,400.00	21,372.50	9,250.00
1908	10,720.00	21,100.00	9,250.00
1909	12,490.00	17,880.00	9,250.00
1910	12,825.00	17,880.00	9,200.00
1911	10,720.00	24,460.00	9,200.00
1912	11,780.00	22,140.00	9,200.00
1913	11,657.00	29,144.39	8,300.00
1914	11,640.00	29,120.00	8,300.00
1915	11,640.00	29,540.00	8,300.00
1916	12,600.00	29,540.00	8,300.00
1917	13,860.00	24,700.00	8,300.00
1918	13,860.00	24,700.00	8,300.00
1919	12,060.00	29,900.00	8,300.00
1920	22,200.00	34,400.00	8,300.00

1921	22,200.00	34,900.00	8,300.00
1922	193,190.00	33,160.00	9,000.00
1923	193,190.00	33,160.00	9,000.00
1924	235,600.00	37,967.50	9,000.00

CHAPTER V

Federal and State Aid Schools

What is commonly known as the Smith-Hughes Law was passed by Congress and approved by President Wilson on February 23, 1917.¹ In the language of the law this statute was passed "for the purpose of co-operating with the states in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial and home economics subjects." For the purpose of co-operating with the states in paying the salaries of teachers, supervisors and directors of agricultural subjects, it was provided that for the year 1918 there should be appropriated \$500,000; for 1919, \$750,000; for 1920, \$1,000,000; for 1921, \$1,250,000; for 1922, \$1,500,000; for 1923, \$1,750,000; for 1924, \$2,000,000; for 1925, \$2,500,000 and for 1926, and annually thereafter, \$3,000,000. The sums allotted to each state were to be based upon the proportion which their respective rural populations bore to the total rural population. No state was to get less than \$5,000 for any year prior to June 30, 1923; and no state was to get less than \$10,000 in any subsequent year.

For the purpose of co-operating with the state in paying the salaries of teachers of trade, home economics and industrial subjects, exactly the same amounts were to be allotted and in the same way. It was provided that not more than twenty per cent of the amounts thus given to the states should go to pay the salaries of home economics teachers.

It was further provided that, for the purpose of co-operating with the states in preparing teachers, supervisors and directors of agricultural, trade and industrial, and home economics subjects, there should be appropriated for 1918,

¹ Federal Board for Vocational Education, Bulletin No. 1, 49-56.

\$500,000; for 1919, \$700,000; for 1921 and annually thereafter, \$1,000,000.

In order to secure the benefits of this act, each state, through its legislature, was obliged to accept its provisions and create a state board of not less than three members, giving it all necessary powers, to co-operate with the federal board in administering the provisions of the act. Furthermore, it was mandatory upon the states to appropriate an equal amount which was to go for the same purpose.

Almost immediately, South Dakota enacted a law the effect of which was to accept the provisions of the federal act, and it also provided that a state board of education be created, and that it should be the duty of this board to co-operate with the federal board. The state board was to consist of the president of the State University, the president of the State College of Agriculture and Mechanic Arts, two faculty members chosen from the State Normal Schools, one superintendent of an independent district, and one county superintendent. The state superintendent was made president of the board. The appointed members were to serve for four years without any salary except that they received as a public official. They were to meet twice a year, on the last Tuesday of January and the last Tuesday of July, or they might be called together at any time by the president of the board.

It was made the duty of the Board of Regents to designate one or more of the institutions of higher education under its control, in which teachers, supervisors, and directors of agricultural subjects, teachers of trade, and industrial and home economics subjects were to be trained for service. It was the duty of this board, also, to apportion both state and federal aid to the school or schools which it had designated as training schools. The state treasurer was designated as the custodian of the funds.²

Under the provisions of the two acts just mentioned, twelve schools in South Dakota took advantage of the offer and installed courses in vocational agriculture as soon as the

² Session Laws, S. D., 1917, Chap. 227.

funds were available. The list of schools and the amount of aid drawn in 1919 are as follows:³

School	Aid	School	Aid
Clear Lake	\$ 950.00	Huron	\$1,100.00
Salem	450.00	Watertown	937.25
Belle Fourche	787.50	Brookings	1,192.50
Madison	900.00	Ravinia	1,300.00
Mount Vernon ..	900.00	Viborg	900.00
Woonsocket	900.00	Highmore'	346.50

Fifteen schools availed themselves of the act and installed courses in vocational home economics. Herewith is given a list of the schools and the amount of aid drawn.³

School	Aid	School	Aid
Clear Lake	\$ 540.00	Woonsocket	\$ 495.00
Wessington	225.00	Lennox	495.00
Fulton	585.00	Pierre	540.00
Elk Point	485.00	Miller	517.50
Mount Vernon ..	550.00	Ravinia	495.00
Edgerton, Farmer	540.0	Viborg	562.50
Huron	525.00	Vermillion	550.00
Avon	495.00		

The next report of the high school inspector shows that twenty-two schools maintained Smith-Hughes agricultural departments and received aid as follows:⁴

School	Aid	School	Aid
Arlington	\$ 962.50	Letcher	\$1,100.00
Brookings	1,200.00	Madison	1,200.00
Bryant	1,250.00	Madison (Con) ..	958.50
Britton	1,000.00	Plankinton	1,300.00
Clear Lake	1,125.00	Ravinia	1,250.00
Cresbard	1,100.00	Salem	1,000.00
Groton	1,250.00	Sisseton	1,100.00
Highmore	1,500.00	Viborg	1,200.00
Hurley	1,042.00	Watertown	1,200.00
Huron	1,200.00	Wessington Spr.	1,200.00
Irene	917.00	Woonsocket	1,200.00

³ Report, High School Inspector, 1920.

⁴ Report, High School Inspector, 1922. Report gives combined State and Federal aid.

For that same year the Smith-Hughes home economics departments, now thirty-eight in number instead of fifteen as in the previous report, received aid as follows:

School	Aid	School	Aid
Avon	\$ 656.25	Lake Andes	\$ 750.00
Bonesteel	750.00	Lemmon	617.18
Britton	675.00	Letcher	875.00
Bryant	850.00	Madison	800.00
Clark	685.71	Milbank	787.50
Clear Lake	750.00	Miller	750.00
Cresbard	650.00	Mobridge	578.72
Dell Rapids	900.00	Orland	337.50
Elk Point	750.00	Pierre	762.50
Farmer	375.00	Plankinton	800.00
Flandreau	800.00	Ravinia	900.00
Fulton	675.00	Sisseton	750.00
Garretson	525.00	Sturgis	750.00
Gary	750.00	Viborg	750.00
Highmore	750.00	Webster	500.00
Hot Springs	450.00	Wessington	600.00
Hurley	457.18	Wessington Spr.	600.00
Huron	870.00	Winner	728.57
Irene	589.29	Woonsocket	700.00

The report for 1925 is not yet available but the schools with Smith-Hughes departments have met with such universal favor by the people of this and other states that it is quite probable that the law will remain in force and that the list of schools will tend to become longer each year.

By an act of the legislature in 1919, provision was made to extend state aid to high schools "which shall maintain a normal department for the training of teachers with special reference to work in the rural schools of the state." All allotments for this purpose were to be paid out of the funds of the Department of Public Instruction, appropriated as state aid for such purposes. The state superintendent of public instruction was given authority to approve one or more high schools in each organized county of the state if there was not already a state institution maintaining an approved normal training department in that county. However, not

more than one high school in the county should receive aid until an opportunity had been offered to one school in each county of the state.

The amount of state aid received depended upon the number of pupils enrolled in the normal training classes. If a school should enroll not less than five nor more than ten students it was entitled to \$500; not less than ten nor more than twenty, \$700; and if it enrolled twenty or more, \$1,000. The state superintendent was to apportion the money to each approved school on or before the first day of June of each year. He certified this amount to the state auditor, who drew a warrant on the state treasurer in behalf of the clerk of the district in which the school was located.⁵ The first year this law was in operation twenty-six schools took advantage of its provisions. The list of such schools with the amount of aid received follows:⁶

School	Aid	School	Aid
Bridgewater \$	500.00	Parker \$	500.00
Bryant	500.00	Pierre	700.00
Centerville	500.00	Plankinton	500.00
Clark	500.00	Rapid City	700.00
DeSmet	500.00	Salem	500.00
Ft. Pierre	500.00	Sioux Falls	1,000.00
Highmore	500.00	Sisseton	700.00
Hot Springs	500.00	Watertown	1,000.00
Howard	500.00	Waubay	700.00
Huron	700.00	Webster	500.00
Ipswich	700.00	Wessington Spr. .	500.00
Lake Preston	500.00	Woonsocket	500.00
Milbank	500.00	Yankton	700.00

At the time of the next report the number of high schools receiving this aid had increased to fifty-four. They were distributed over forty-three counties of the state.⁷

School	Aid	School	Aid
Arlington \$	1,000.00	Bridgewater \$	700.00
Armour	1,000.00	Bryant	700.00
Bonesteel	1,000.00	Castlewood	500.00

⁵ Session Laws, S. D., 1919, Chap. 182.

⁶ Report, High School Inspector, 1920.

⁷ Report, High School Inspector, 1922.

School	Aid	School	Aid
Centerville	\$1,000.00	Milbank	\$1,000.00
Clark	1,000.00	Miller	1,000.00
DeSmet	1,000.00	Mobridge	1,000.00
Doland	500.00	Lake Preston	1,000.00
Eagle Butte	700.00	Parker	700.00
Elk Point	700.00	Pierre	1,000.00
Faulkton	500.00	Plankinton	700.00
Flandreau	1,000.00	Platte	700.00
Ft. Pierre	500.00	Rapid City	1,000.00
Garden City	700.00	Salem	700.00
Geddes	1,000.00	Sioux Falls	1,000.00
Gettysburg	500.00	Sisseton	1,000.00
Gregory	1,000.00	Sturgis	700.00
Highmore	700.00	Tripp	1,000.00
Hot Springs	700.00	Wagner	1,000.00
Howard	1,000.00	Watertown	1,000.00
Huron	1,000.00	Waubay	1,000.00
Iroquois	700.00	Webster	1,000.00
Kimball	1,000.00	Wessington Spr...	1,000.00
Lake Andes	700.00	Willow Lakes ...	1,000.00
Lemmon	700.00	Winner	1,000.00
Letcher	500.00	Woonsocket	700.00
McIntosh	500.00	Yankton	1,000.00

This list indicates not only a larger number of schools taking advantage of the act but also larger enrollments in classes. No further reports on normal training departments are available at this time.

Another law of 1919 was what is known as the Americanization law. This law established schools where persons between 16 and 21 years of age, who cannot read or write or speak the English language are given the opportunity to acquire these very necessary accomplishments. The schools were established on the recommendation of the state superintendent. One-half of the salary of teachers and the expense of maintaining such schools were to be paid from appropriated funds, the other half by the district.⁸ The following amounts have been appropriated by the legislature

⁸ Session Laws, S. D., 1919, Chap. 169.

and the people of the districts have contributed a like amount.⁹

1919-20	\$ 5,000.00
1920-21	15,000.00
1921-22	5,090.00

Further statistics are not available at this time.

In this connection, state aid to rural and consolidated schools might be discussed. The state legislature in 1919 provided that rural schools might become what were to be known as state rural schools and consolidated schools might become state consolidated schools by complying with certain requirements. The law also set up standards by which schools were to be classified. On the basis of this classification, it was provided that schools complying with the requirements might be classed as state rural schools, state consolidated schools of the first class, state consolidated schools of the second class, and state consolidated high schools. Each state rural school was entitled to receive from the state aid to the amount of \$150. State consolidated schools of the first class were allotted \$400, of the second class \$250, while state consolidated high schools were to be aided to the extent of \$600. Application for this aid was to be made to the state superintendent through the office of the county superintendent. The state superintendent certified to the state auditor the amount of aid due each district which was entitled to aid under the provisions of the act. The money was paid out on warrants drawn by the state auditor on the state treasurer, in favor of the clerk of the district in which the school was located.¹⁰ For the year 1920 when the first funds were available, there was paid to

State rural schools ¹¹	\$13,950.00
State first class consolidated schools	3,200.00
State second class consolidated schools	5,625.00
Teachers' cottages	4,500.00

There were no appropriations that year for state consolidated high schools.

⁹ Report, Director Americanization and Rural Education, 1920-22.

¹⁰ Session Laws, S. D., 1919, Chap. 49.

¹¹ Report, Rural School Supervisor, 1920.

In 1921 the appropriations were:¹²

State consolidated high schools	\$ 2,400.00
State first class consolidated schools	8,000.00
State second class consolidated schools	9,000.00
State rural schools	32,700.00
Teachers' cottages	9,000.00

Appropriations for 1922:

State consolidated high schools	\$ 1,800.00
State first class consolidated schools	10,400.00
State second class consolidated schools	10,000.00
State rural schools	50,100.00
Teachers' cottages	7,000.00

The following figures for 1923-24 are available:

State consolidated high schools	\$10,800.00
State first class consolidated schools	8,205.00
State second class consolidated schools	6,720.00
State rural schools	65,650.00
Teachers' cottages	11,700.00

A very evident fact in connection with both Federal and State aid schools is that such aid is rapidly increasing in amount. Both state and nation are so concerned about the education of the masses that they are willing to spend large sums of money in doing this. State aid is a stimulant to local effort because the state must contribute as much as the nation and local schools must attain to certain standards of excellence before they are eligible to state help. Quite naturally the standards of teachers and of teaching must closely parallel the standards set for the schools. The rural school inspector, in his report for 1922, says: "As a rule, the work done in state aid schools is above the average."

CHAPTER VI

Conclusion

The most obvious conclusion to be arrived at in this study is that the people of this state are paying an enormous sum of money for education. However, that alone tells

¹² Report, Rural School Supervisor, 1922.

us little until we know whether this amount compares favorably or unfavorably with the country at large. In his book "Municipal Government and Administration," W. B. Munro, professor of Municipal Government in Harvard University, says that the United States is paying about \$1,000,000,000 annually for education of all kinds. This is about \$10 per capita counting men, women, and children of all ages. On this basis, and calculating on the 1920 census, South Dakota should spend about \$6,750,000 annually for education. Instead, according to the 1923 report of the state superintendent, South Dakota spends \$15,954,924.61, or a per capita cost of \$23.49. In other words, South Dakota spends on education about two and one-half times the average expenditure in the United States.

In the second place, we have reason to conclude that the founders of the state have provided ample means for the education of the people of the state. The schools are heavily endowed and the state and federal governments are extending aid to some of the schools and to certain departments of high schools if they are willing to comply with the requirements. Public taxation, then, must be sufficiently high to make up the balance.

It will be evident also, I think, that the scheme for financing the schools of the state was formulated by those who were zealous friends of education. It has been noted how difficult it was to save the school lands and hold them for a price that made them a real asset to the schools. When the school lands are finally disposed of, South Dakota will have a permanent endowment fund of several million dollars. It cannot be determined at this time just how large the fund will be. Conditions may arise which will greatly influence the sale.

Finally, the management of the school lands and the school fund seems to have been placed, for the most part, in competent hands. No school lands or any of the funds arising from their sale have ever been lost. There is little chance that any of it will ever be lost.

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BIOGRAPHICAL SKETCH

Joseph E. Colborn was born in Hamilton County, Indiana, and received his common school education in the rural schools of that county. He attended the Central Normal College at Danville, Indiana, during the year 1894, and the following year attended the Indiana State Normal at Terre Haute, Indiana, during one summer term. In 1896 he entered the preparatory department of the Tri-State College, Angola, Indiana, from which he graduated in 1899. He received his A. B. degree from the Tri-State College in 1903. He was a graduate student in the University of South Dakota during the summers of 1921-1925 inclusive, and completed the work for the M. A. degree in July, 1925. He was superintendent of schools at Churubusco, Indiana, from 1903 to 1909; at Morgantown, Indiana, from 1909 to 1916; at Presho, South Dakota, from 1916 to 1921; and at Sturgis, South Dakota, from 1921 to 1925. In 1905 he was vice-president of the DeKalb County (Indiana) Teachers' Association, and in 1906 was the president of the same association.

TAXATION IN DAKOTA TERRITORY*

By Eugene Curie Schneider.

PREFACE

The history of taxation in Dakota Territory has an important bearing upon the fiscal activities of what is now North Dakota and South Dakota. From the somewhat simple system of taxation employed in territorial days has grown a system which has become quite complex.

Facts of a statistical nature, relating to the fiscal history of Dakota Territory are obtained with considerable effort. The pioneers of territorial days apparently disregarded the value of records.

Many documents relating to taxation, after having been bound in manuscript form, were destroyed by fire or other accidental causes. The only records which have been preserved in full are the session laws. Most of the House and Council Journals were found in volume form, and these have been consulted. Some of the reports of the territorial treasurer and the territorial auditor have also been used, as well as extracts from some of the governors' messages.

The writer wishes to thank Messrs. Danforth and Lathrop for the access given him to the files of the Dakota Republican, Judge H. G. Tilton, and the law firm of Gunderson and Gunderson for the use of the various volumes of the session laws, and Mr. J. E. Hipple for the various territorial reports. He also wishes to express his feeling of indebtedness and gratitude for the assistance and helpful suggestions of Dean F. T. Stockton while preparing the manuscript.

CHAPTER I.

The Political and Economic Development of Dakota Territory.

On October 19, 1803, the region then known as Louisiana was purchased by the Federal Government from Napoleon Bonaparte. At the time of the formal transfer, the whole of

* A thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts., Department of Economics, College of Arts and Sciences, University of South Dakota, June, 1922.

Louisiana was attached to the Territory of Indiana for administrative and judicial purposes. In 1812 the present State of Louisiana was detached from the rest of Louisiana Territory and was admitted as a state into the Union. The remaining part was given the name of the Territory of Missouri. In 1834 this territory was attached to the Territory of Michigan for governmental purposes.

Two years later, the Territory of Wisconsin was created, embracing all the lands north of the present State of Missouri and east of the Mississippi. In 1849 the region comprising the land east of the Missouri and west of the present State of Wisconsin was made Minnesota Territory. From 1821, until the organization of Nebraska Territory, no government was provided for the part west of the Missouri River. In 1854, this section was included in the Territory of Nebraska.

Dakota Territory was created by an act of Congress which was approved by President Buchanan, March 2, 1861. It comprised the land now included in the present States of North Dakota, South Dakota, Montana and Wyoming. On May 26, 1864, Montana Territory was created and detached from Idaho Territory, and Wyoming was re-attached to Dakota Territory for governmental purposes. In 1862, however, Wyoming had been organized as a separate territory but was under the same government as Dakota Territory until 1864. Consequently, the history of the Dakota Territory which included the present states of North and South Dakota really began in 1864.

In the consideration of the economic and financial development of the Dakota Territory as we think of it, it is difficult to discuss it separately from the other three territories—Idaho, Montana, and Wyoming—prior to 1864. It is therefore necessary to include the latter in this discussion, and the data employed are relative to them as a whole from 1861 to 1864. However, the main interest, even in these years, lay with that section which now comprises the two Dakotas.

Dr. William Jayne, neighbor and family physician of President Lincoln, was appointed by him as the first gover-

nor of Dakota Territory. Dr. Jayne, who was a resident of Springfield, Illinois, met the other territorial officers in Chicago and together they came to Dakota, and chose Yankton as the territorial capital.

The nuclei of the early settlements were of necessity forts, because of the dangers of Indian uprisings in opposition to the white settlers. Among these forts, or posts as they were called in those days, may be mentioned Ft. Pierre, Ft. Lookout, near the site of the city of Chamberlain, and one on the Falls of the Big Sioux River which grew into the present city of Sioux Falls. The town site of Sioux Falls was selected in 1856, under authority of the Western Town Company of Dubuque, Iowa. In the summer of 1857, a corporation known as the Dakota Land Company, of St. Paul, Minn., sent representatives to the Falls, who located on a 320 acre tract which they intended to hold under "squatter's right". They also chose the sites of the towns of Flandreau and Medary. A few men were left at the two latter places and also at the Falls to hold the claims. However, none of these claims developed farther as all the men were driven from Dakota to Sioux City by the sudden appearance of the Yankton Indians. In the fall of 1857, representatives of both the land companies re-appeared at the Falls, erected a store and a saw-mill, as well as cabins for themselves, and prepared to remain. Thus was established the metropolis of the State of South Dakota, which during the winter of 1857-58 had a total population of sixteen men.¹ The land claims, however, were never sanctioned by law and after a time the settlement project again failed.

In the spring of 1859 the Yankton Indians were removed to their reservation in what is now Charles Mix County upon the ratification of a treaty with the Federal Government by the chiefs of the several tribes. Hundreds of settlers, who had been waiting for the formal ratification of the treaty, crossed the Missouri and established settlements at Yankton, Bon Homme, Meckling and Vermillion. Many of these settlers rowed across their household goods, or had their live stock and household effects transported across by

¹ Robinson, A History of S. D. (1900) pp. 50-52.

ferry. As timber was plentiful they began to construct homes. They selected tracts of land which they "squatted" upon and which they filed upon after the passage of the Homestead Act of 1862. These people were the first permanent settlers of Dakota. They weathered the storms of the winter of 1859-60 with little financial loss.²

The following spring and summer brought unusual prosperity to the new settlers. One contemporary writer describes conditions as they existed at that time thus: "Our territory begins to put on her robe of brightness. Farmers are joyous over their prosperous fields, which give promise of a bountiful harvest. The roads are lined with immigrants and our green fields are covered with the growing crops and the herds of cattle of our home-seekers."³

In the autumn of 1860 the Indians again appeared to be in a warlike mood and the settlers hurried to Yankton where a stockade had been built. The Indians massacred some settlers in Minnesota, but did not cross the Big Sioux River into Dakota. When the settlers returned to their homes they found their crops, which had not yet been harvested, partly destroyed by government scouts. For this loss they received no compensation.⁴

The "Pony Congress," as the first session of the territorial legislature was called by the settlers, met at Yankton March 17, 1862. It approved articles of incorporation in favor of the Racine and Armain Transportation Company. This company was financed by a group of St. Louis bankers and merchants "for the purpose of building and chartering steamboats, backing furs, digging minerals, etc." The successful operations of the firms led to the organization of several other companies, the most important of which was the Rocky Mountain Mining and Transportation Company.⁵

The first commercial enterprise which operated in Dakota, as nearly as can be ascertained, was the Frost, Todd Company of Sioux City, represented at Yankton by Capt. J. B. S. Todd, who afterward became a delegate to Congress from Dakota. During the transportation season of 1859

² Robinson's Brief History of S. D. (1904) pp. 113-15.

³ Armstrong's Early Empire Builders of the Great West, p. 77.

⁴ Armstrong's Early Empire Builders of the Great West, p. 81.

⁵ History of Southeastern Dakota, p. 86.

twelve boat loads of goods were unloaded at Yankton, most of which were consigned to this firm. In the spring of 1860, two additional firms were organized at Yankton under the firm names of Gregory and Company and Bramble and Company.

The establishment of the Yankton commercial houses, as well as the opening of stores at Meckling, Elk Point, Vermillion and Bon Homme attracted more settlers, because of the availability of supplies, and the accessibility of a good market for products. People came from nearly all the states east of the Mississippi. These pioneers afterward endured many hardships, among which were the destruction of several successive crops by grasshoppers, and the devastations of diphtheria and other physical ailments caused by the lack of adequate housing during the severe winters. Many died because of the lack of medical attention. Large numbers of the settlers gave up in despair and returned to the East, but according to their own statements, those who became so poor that they had not the means to leave the country remained and laid the permanent foundations of Dakota Territory.

Gold was discovered in 1874 on the banks of French Creek, near the site of the town of Custer, by William McKay, a member of an expedition sent out by the Federal Government to explore the Black Hills country. The news of this discovery spread rapidly over the eastern states, and in spite of the efforts of the Government to prevent settlers and prospectors from entering the region, which at that time was Indian land, gold seekers came in great numbers. Finally, in 1876, the whole region was opened to settlement by the Federal Government.

Many of those who started for the "diggings" were impressed by the appearance of the fine prairie land east of the Missouri River. The sight of the prairies covered with a luxuriant growth of grasses cured them of their "gold fever" and they settled there and began farming operations. The rest went on to the Hills and soon a new area was settled with such centers as Lead, Deadwood and Rapid City. Some of these who did not strike "pay dirt" settled in the valleys

of the region and engaged in farming or horse and cattle ranching.

English capitalists became interested in Dakota and formed companies to secure land and put it under cultivation. Consequently several so called "bonanza" farms were established, one of the largest being the Dalrymple farm which at one time consisted of over 10,000 acres and employed several hundred men. This farm and others nearly as large became the producers of thousands of bushels of wheat which was shipped to the eastern markets and even to Europe.

Dr. F. V. Hayden, a geologist sent out by the Federal Government, reported to the legislature of 1865 that the soil of the prairie bottoms of the Missouri and James Rivers was of almost inexhaustible fertility, and sustained, in its wild unbroken state, a vegetation of various kinds and of enormous growth. He also pointed out there was an abundance of timber and that many miles of the streams were navigable. He called attention to the great hydraulic capacity of the Missouri, the Big Sioux, and the Cheyenne Rivers. Governor Jayne also mentioned in his message to the Legislature of 1862 that the Big Sioux would furnish sufficient power to operate all the mills in New England. He further stated the opportunities for sheep raising and the possibility of the establishment of woolen mills on the rivers. A Mr. Chas. La Breeche reported to the legislature of 1865 that salt had been found in western Dakota by the Indians. From shallow wells which they had dug, or from pools, a brine had been obtained which yielded one-third of its bulk in pure salt. Professor Gregg, a New York geologist, reported indications of iron deposits near the Bijou Hills and near the site of Ft. Sully. The men of Gen. Harney's expedition to the Black Hills in the early 50's reported that they had discovered iron which was so pure that even in its crude state it could be used by their blacksmith. They also reported that the Ponca Indians brought to their camp and also to nearby white settlements specimens of iron which was almost pure.*

* House Journal, 1865-66, pp. 148 and 154.

Coal of a good quality was found in various places in the Big Sioux and Missouri Valleys. An abundance of clay was found to be easily obtained and made into brick of the best quality. Stone from the famous Pipestone quarry had been used by the Indians for making pipes, and was found to be suitable for building purposes. Out-croppings of the hardest kind of jasper were discovered in the Big Sioux Valley.⁶

The boom received an additional impetus after the memorable winter of 1880-81. After that date the population of the territory grew rapidly year after year.

One of the great aids of the boom was the advent of the railroad into Dakota. The first line constructed was the Dakota Southern which was built from Sioux City to Vermillion in 1872, and extended to Yankton in 1873. In 1881 this line was extended to Scotland. In 1864 the Northern Pacific received a grant of land from the Federal Government, began construction in 1870, and finally reached Bismarck in 1873. In 1879 there were in actual operation in Dakota Territory 450.86 miles of railway.⁷ By 1881 this had increased to 1305.84 miles,⁸ and by 1886 to 4,463 miles.⁹

According to the territorial auditors' reports the manufacturing industry had obtained a good foothold in Dakota in the early 80's. From these reports we learn that by 1883 there had been invested in manufacturing \$227,546.00. Within a year the amount of capital invested had increased to \$298,573.00. This was a good showing for that time for a region which was primarily agricultural.

Probably the best sources of information regarding the rapid economic development of the territory are the assessment rolls returned to the territorial auditor from the different counties from year to year. Few of these rolls prior to 1877 are now available, scarcely enough to permit of a comparison. However, from such as are obtainable we note that in 1877 the auditor received returns from at least fifteen counties. The aggregate assessment of these fifteen coun-

⁶ House Journal, 1865.

⁷ Territorial Auditor's Report, 1879.

⁸ Ibid., 1881.

⁹ Ibid., 1886.

ties amounted to \$6,679,848.25. The returns show that in 1880 the assessments had reached \$20,261,530.16, and in 1885, \$16,499,549.34.

These reports denote the value of the real estate belonging to individuals residing in the territory, and do not include the value of the property owned or controlled by corporations, whether foreign or composed of Dakota investors. In 1881, of the counties reporting, twelve gave a valuation of over five million dollars each. This seems to be a low estimate of the true value of the property assessed and many of the people of the time were of the opinion that real estate was assessed at not more than 50 per cent of its true value.

CHAPTER II.

The General Development of Territorial Taxation.

Having considered the economic bases for the raising of revenue, let us consider the laws which were enacted and the recommendations which led to their enactment.

The Organic Act, which served as a constitution for the Territory, contained very little provision with reference to the taxation of property. It stated that "no tax shall be imposed upon the property of the United States, nor shall the land or other property of non-residents be taxed higher than the land or other property of residents * * *. Nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be taxed in proportion to the value of the property taxed."

Governor Jayne stated in his message to the Pony Congress that he hoped that the powers given to counties for the levying of taxes would be so guarded as to confine them to the strictest economy consistent with efficiency. For the defraying of the expenses of the Territory at large, the governor and the territorial secretary were authorized by the laws of 1862 to fix the rate and the amount of the tax to be levied each year. If they failed to determine the rate, the commissioners of the various counties when organized might determine the rate, and proper county officers were to assess the taxable property and collect the territorial tax in their

respective counties at the same time as the local tax was levied and collected.

The Session laws of 1862 (Ch. 18, Sec. 3) designated the taxable property as follows: All land to which title or patent had been obtained from the Federal Government; town lots, including land purchased from the Federal Government; term (ferry) franchises, and toll bridges "which for the purpose of taxation were considered as personal property;" horses, cattle, mules, asses, sheep, swine; money, whether on deposit or in possession of the owner, including bank deposits, bills, money or property belonging to any bank or company, incorporated or otherwise; public stocks or loans; household furniture, valued at not more than \$100.00; machines or mechanics' tools, valued at not more than \$100.00; boats and vessels, whether licensed or not, if owned wholly or in part by inhabitants of the Territory; and annuities, except as otherwise exempted by law.

The laws of 1862 provided that all the taxable property was to be listed by the assessor who was to be elected by the qualified voters of his county. This duty was afterward shifted to the sheriff of each county. The legislature of 1872-73 passed an act providing for the creation of three tax districts in Union County. The first district included Big Sioux, Jefferson, and Civil Bend townships; the second, Elk Point and Brule townships; the third Sioux Valley, Virginia, Spink, and Prairie townships. The biennial election of an assessor was provided for. These assessors were required to report to the commissioners of their respective townships by the first Monday in June of each year.

The Session laws of 1862 (Ch. 69, Sec. 4) provided that the assessors should be assisted in the listing of taxable property by every inhabitant of the Territory, if he were of "full age and sound mind." Each person was to list all the taxable property which he owned or controlled or managed.

Property held in trust was to be listed by the trustee, executor, or administrator.

Property under mortgage or lease was to be listed and taxed to the mortgagor or lessor, unless it was listed by the

lessee or the mortgagee. In the latter case, the lessee or the mortgagee was to pay the taxes.

The law also provided (Ch. 69, Sec. 5) that commission merchants, and all persons trading on commission, also assignees authorized to sell property, "where the owner was not a resident of the county where the goods were listed," were for "the purposes of taxation" deemed the owners of the property in their possession at the time of listing and were taxed accordingly.

Any person required to list property belonging to another was "required to list it in the same county" in which he would have listed it if it were his own. But he was required to list it separately from his own giving the assessor the name of the person or persons to whom the property belonged.

The property of a person deceased was to be listed as belonging to his heirs, if there were such, without enumerating them. (Ch. 69, Sec. 6).

When a person conducted business in more than one county, the property and credits existing in any one of the counties were to be listed and taxed in that county where they were used. The credits and property not existing entirely in one county, or pertaining especially to the business in any one county, were required to be listed in the county where the principal place of business was located. Any "individual of a partnership was held liable for the whole amount of the tax due from the firm." (Ch. 69, Sec. 7).

All property was to be assessed at its true cash value. In the case of a commercial or industrial enterprise, the property under the control of the owner was to be evaluated from the average value of the property in his possession during the year previous to that in which the assessment was made. If the enterprise had not been in existence for a full year, the average was taken for the time the business had been in operation. If the business had just been established it was to be listed at its cash value on the date of assessment. (Ch. 69, Sec. 13). The first general assessment was made in January 1863.

Although the laws were very appropriate and sufficiently explicit to secure sufficient revenue, they were not enforced.

The legislature of 1863 passed no laws to remedy the financial situation, and no attention was paid to the matter of public revenue until the meeting of the session of 1864.

Governor Edmunds in his message to the latter session called attention to the laws which had been previously passed, and stated that up to that time these laws had remained "dead letters on the statute books." According to this message, no taxes had up to 1864 been levied and collected, and the people had evaded the tax laws entirely.

Evidently this session (1864) paid no attention to the Governor's recommendations, as again in his message to the session of 1865, he urged that some provision be made for the payment of the salaries of the territorial auditor and treasurer which had remained unpaid since the organization of the territory in 1861. The sum due amounted to about \$400. The Governor also reminded the legislators that the Federal Government had forwarded to Sioux City some journals and documents from the Congressional Library that were still in the possession of the express company for the lack of funds to pay the transportation charges, which amounted to only about \$160.

The two instances just cited by the message show that up to 1865 no funds had been received by the territorial treasurer from the several counties. They also indicate the general indifference of the people as to how the territorial expenses were to be paid. The Governor in this same message recommended an appropriation of at least \$2000 to defray the outstanding indebtedness at the next meeting in 1866. The legislature again failed to comply with his request.

One possible cause of this indifference was the fact that Congress had appropriated \$40,000 to pay the expenses of the first and the second legislative sessions. The people, or at least the greater part of them, thought that this appropriation would cover all the territorial expenses incurred during those years. It would have done so but for the fact that the funds were designated by Congress to be used for legislative expenses only. The payment of the salaries and official expenses was left to the people of the Territory. The settlers

were no doubt pleased to have the organization of the territory perfected, but did not seem to realize that some duties and obligations devolved upon them as citizens, for the support and maintenance of the territorial government.

The territorial auditor's report of November 30, 1863, showed that the estimated indebtedness of the territory by December 31, 1864, would be \$776.66, and also that at the date of the report no funds were available to liquidate this indebtedness. He suggested that the legislature provide for a territorial levy of five mills upon the personal property of the people, both residents and non-residents, as at that time there was very little taxable real estate, and in addition to this levy that a poll tax of one dollar be collected from each male inhabitant. The auditor estimated that these levies would be sufficient to liquidate all outstanding indebtedness to the close of the year 1864.

The legislative assembly of 1866-67 made a pretense of passing tax reform legislation by changing the dates of assessment, the date on which taxes would become due, the date on which taxes would become delinquent, et cetera. Again in 1870 legislation was enacted regarding lands which had become taxable by being deeded by the Federal Government.

Governor Pennington, in his message to the legislative session of 1877, recommended that the tax rate be lowered as the rate then in force was greater than the financial condition of the people would bear. As was mentioned before, the people had become financially embarrassed because of the destruction of their crops by grasshoppers.

By 1879 the Territory seemed to have entered upon an era of prosperity, as according to the message of Governor Howard to the legislature of that year, the value of the taxable property during the year 1879 had increased over 60 per cent. The governor called attention to many needless expenditures of the territorial funds for the transportation of convicts to the House of Correction at Detroit. The legislature was urged to make provision for the redemption of the outstanding warrants and a consequent reduction of the territorial indebtedness as rapidly as possible by the collection

of revenue from the counties and other local units of government.

From 1879 up to the close of territorial days no important legislation was enacted concerning territorial taxation, except that the dates of assessment and other dates relating to delinquency, et cetera, were changed. It seems that the principal theme of discussion during the last ten years of territorial life was statehood and that this issue stifled practically all agitation for internal economic reform.

The Taxation of Moneys and Credits.

The laws first enacted providing for the taxation of moneys and credits stated the credits should be listed with the assessor at such a sum as the person listing them believed would be received or could be collected thereon, and annuities were to be listed at the value at which the person listing them believed them to be worth in cash. It also provided that moneys and credits belonging to institutions of a public nature, not exceeding the amount prescribed in their charter, would be exempted from taxation.

The laws of 1862 stated that "money whether on deposit or in actual possession, including bank bills, money due from solvent debtors on contract or judgment" was taxable, and public loans or stocks and annuities, (except as exempted by law), and capital employed in manufacturing should be taxable.

Bank Stock Assessment.

The laws of 1887 provided that the assessment and taxation of all shares of stock on all national banks, held by persons in the territory was to be based on the par value of such stock, and that the owners were to be required to pay taxes on them as though they were shares in banks chartered or incorporated under the laws of the territory. No discrimination was to be made between national bank stock and the stock of any bank doing business under the laws of the Territory. The laws of 1862 (Ch. 7, Sec. 11) provided that the stock of all corporations was to be taxed at its true cash value.

Special Taxes.

A tax was levied in territorial days (Code 1877, Ch. 28, Sec. 80) amounting to \$30.00 "upon each peddler of watches, clocks, jewelry, or patent medicines, and all wares and merchandise not manufactured within the limits of the Territory."

The Territorial Tax Commission.

The legislature of 1883 passed an act providing for the creation of a territorial tax commission of three members to be appointed by the governor and approved by the Council. Their duties were to carefully examine, ascertain, and report whether all classes of property were equally assessed and taxed according to law. They were also to ascertain and report whether the various corporations in the Territory whose capital stock was owned outside of the territory were paying their just share of the taxes. The commission was also authorized to ascertain and report what new sources of revenue might justly be secured for territorial, county, municipal, or educational purposes.

The commission was authorized to transmit its report to the governor, who, in turn, was to transmit such report or parts of it to the Secretary of the Interior of the United States, making note of any evasion of the United States laws whereby the revenue of the territory was unjustly decreased.

The commissioners were required to report bills to the legislature with detailed statements printed in pamphlet form, together with recommendations for legislation which could more nearly equalize the tax throughout the territory. The compensation of each of the commissioners was to be \$6.00 per day and expenses while travelling. They were also allowed to employ a secretary. Both the commissioners and the secretary were to be paid out of the general fund of the territorial treasury. No provision was made by the law as to the length of the term of office, nor was it stated how long the commission was to continue to act.

The session laws of 1862 provided that the territorial board of equalization should consist of the territorial gover-

nor and the territorial treasurer.¹ Later this was changed, making the governor, the auditor and the treasurer members of the board. The board was to hold meetings on the third Monday of February² but this date was soon afterward changed to the first Monday in July.³ The board of equalization was given power and authority to fix the amount or rate of territorial tax for each year according to the revenue acts, that is, it could levy for territorial purposes three-fourths of a mill. When no rate was fixed by the board the rate as set by the counties could not exceed one and one-half mills.⁴

The codified laws of 1877 provided that the territorial board of equalization, or the majority of its members, should hold a meeting on the second Monday of June of each year to examine the various county records of assessment, and to decide upon the rate of territorial tax for the current year together with the other general or special territorial taxes to be levied as required by law. It was also to equalize the tax levy throughout the territory in case the board was not satisfied that the scale of valuation had been with reasonable uniformity by the different assessors.⁵ If the board did not make a levy in any or all of the counties, the county auditors were to fix a rate not to exceed two mills.

At their annual meeting, on or before the first day of August, the board was to review the abstracts of assessment of each county. This abstract was required to be in the hands of the territorial secretary on or before the first day of July. It was also empowered to add to the aggregate valuation of real property in each county in case they were of the opinion that the property had been undervalued, or to deduct from the aggregate valuation, if in their opinion the property had been over valued.⁶

Exemptions and Deductions from Taxation.

Several exemptions were provided for in the tax laws of the Territory regarding certain kinds of property, both

¹ Laws of Dak. Ty., 1862, Ch. 62, Sec. 69.

² Laws of Dak. Ty., 1862, Ch. 69, Sec. 24.

³ Laws of Dak. Ty., 1871, Ch. 35, Sec. 1.

⁴ Laws of Dak. Ty., 1862, Ch. 69, Sec. 1.

⁵ Laws of Dak. Ty., 1877, Ch. 28, Sec. 32.

⁶ Laws of Dak. Ty., 1862, Ch. 69, Sec. 29 and 30.

real and personal, and also certain deductions were permitted from the assessed valuation of such property. The laws of 1862 provided that all property belonging to the United States Government, to counties, townships, or incorporated towns, school districts, public grounds, by whomsoever devoted for public use exclusively, and cemeteries were to be wholly exempt from taxation. All fire-fighting apparatus and grounds used for the erection of buildings used for housing fire fighting apparatus or for the meetings of fire companies were also wholly exempted from taxation.

Grounds and buildings of literary and scientific institutions incorporated under the laws of the territory, also grounds belonging to benevolent, agricultural, and religious institutions and societies devoted to the appropriate objects of these institutions, not exceeding in extent 640 acres were also wholly exempt. Books, paper, and apparatus belonging to such institutions and used to further their programs of work, and student property were also exempted. The Code of 1877 reduced the exempted acreage from 640 acres to 3 acres, and limited the exemption to those things directly used for educational purposes, such as books.

The laws of 1862 also exempted moneys and credits belonging to such institutions which did not exceed the amounts prescribed in their respective charters. To this the Code of 1877 added, "and devoted solely to sustaining them, but not to exceed in amount of total valuation, aside from the property of students, as above mentioned, the sum prescribed in their charter or act of incorporation."

In addition to the above, the laws of 1862 exempted all animals not otherwise mentioned in the laws, private libraries not exceeding \$100.00 in value, family pictures, the household furniture of every family, and the wearing apparel of every person. The Code of 1877 amended this by adding the following: "together with the beds and bedding thereof and all wearing apparel of every person and family actually used for wearing, not to exceed in valuation two hundred dollars. All food and fuel provided in kind, not to exceed provision for one year's time". No person, however, from whom a compensation was received for board or lodging was to be con-

sidered as a member of the family with whom he boarded or lodged.

All polls or estates of persons who, by reason of age or infirmity, in the judgment of the assessor, were unable to contribute to the public revenue were exempted from the payment of taxes. This exemption was subject to the revision by the county boards of equalization.

To encourage the settlers in the planting of trees, one-fourth of any quarter section of prairie land upon which were planted and kept in cultivation five acres of trees was by the laws of 1862 exempted. The law specified that the trees might be started from seed or cuttings, and should not be planted more than twelve feet apart each way. If the law was complied with, the land with all the improvements, not to exceed \$1000 in value, was exempted from taxation. If the ownership of the land changed within the ten years, from and after the planting of the trees, the exemption was not to be affected.

A contemporary lawyer residing in Yankton, questioned the validity of the tree act. He quoted from the Organic Act, section 1925, which stated that the legislative assembly of Dakota should not enact any laws nor make any discrimination in taxing the different kinds of property, but that all property subject to taxation was to be taxed in proportion to its value.

A newspaper in 1862 stated that if the Act was in conflict with the Organic Act, then the carrying out of its provisions had been a farce. It was pointed out that the exempted five acres of tree land would generally include more taxable property in the shape of improvements than the rest of the farm was worth. Consequently, this paper held that the law was a grievous error. The law, it stated, provided that all property was to be assessed and taxed at its full market value. If timber was a public benefit, it maintained, it was also a great benefit to the owner and should not entitle him to class privileges at the expense of others who were in many cases poorer than he. It might have been cited as a case wherein the industrious farmer profited at the expense of

his less industrious neighbor, but there was still a discrimination in the matter of taxation.⁷

This discussion was raised because of the consideration at that time in the legislature of a bill providing for the exemption of \$2000 worth of property of each farmer. The same newspaper also stated that the impression had prevailed throughout the Territory, that the planting of five acres of trees on a forty acre tract exempted the whole forty acres from taxation. Such was not the case. Only \$1000 of the assessed valuation of the land was exempted.⁸

The codified laws of 1877 further provided for the exemption of "all improvements made on real property by setting out either forest or fruit trees, shrubbery or vineyards," which in this case were not considered as increasing the value of the land for purposes of taxation.⁹

A newspaper issued in the year 1879 called attention to a provision of the law passed in that year to the effect that if a strip of ground two rods wide around a quarter section of land was kept free from weeds and other combustible material, from September 10 to May 10, this strip would be free from taxation as long as the law was complied with.¹⁰ This provision was made because of the prevalence of prairie fires between the months of the year mentioned.

According to the laws of 1862 a person was allowed to deduct from the gross amount of his assessment all bona fide debts owed by him, but indebtedness not founded upon an actual consideration might also be deducted from the gross amount of his moneys and credits. However, no person was entitled to any deduction on account of any unpaid obligation of any kind given to any insurance company for premiums, nor on account of any unpaid subscription to any institution, society, corporation, or company. The assessment of farmers' tools or mechanics' tools to the amount of \$100 might be deducted from the assessment total.

⁷ Dakota Republican, Feb. 26, 1885.

⁸ Ibid., June 3, 1886.

⁹ Laws of Dak. Terr., 1877, Ch. 28.

¹⁰ Vermillion Standard, June 21, 1879.

These provisions for exemption and deduction according to the laws of 1868 were to benefit the residents of the territory only.¹¹

CHAPTER III.

The Assessment and Taxation of Corporations.

The Codified laws of 1877 (Ch. 28, Sec. 9) provided that all corporations, except banking or other corporations especially mentioned in the law, should be assessed in the following manner: The president, secretary, superintendent, or other principal accounting officer who might be in the territory at the time of the assessment was to list the property of the corporation.

This provision included railway companies, turnpike or plank road companies, bridge or ferry companies, insurance companies, telegraph companies, and joint stock companies. The officers were to list, under oath, all personal property, including roadbed, depots, wood and water stations, poles and wire, bridges and boats, papers, office furniture and fixtures and "such other realty necessary for the daily operation of the company." This list was to be in the hands of the territorial auditor before the first Monday of February, together with a statement of the amount of such property located in each organized county precinct, township, incorporated town, city, or village.

If this report was not in the hands of the auditor within ten days after the first Monday of February, he might procure it by a written request to the officer who had neglected to forward it. And, if he did not then receive the proper report by the first Monday of April, he was to notify the several county auditors to that effect. He was also required to inform each county auditor concerned as to whether the reports were received at the required date or whether they were received upon request of the territorial auditor. If the proper officer of the company failed to report before the first Monday in February, the county commissioners of the several counties were authorized to add fifty per cent to the valua-

¹¹ Laws of Dak. Ty., 1868, Ch. 12, Sec. 1.

tion reported by the territorial auditor as having been assessed by him.

The Taxation of Express and Sleeping Car Companies.

The laws of 1889 provided that all express and sleeping car companies should file an abstract of their accounts with the territorial treasurer on or before April first of each year, under affidavit of the treasurer of the company. Failure to make such a report of the gross earnings, or any part of them, by a default of thirty days, resulted in a penalty of twenty-five per cent being imposed by the treasurer, who was to make such assessment as he deemed equitable.

At any time after the expiration of thirty days any taxes had become due and payable, the treasurer was authorized to detain sufficient property, goods or chattels "if found within the territory" to pay the taxes due together with the penalty and the cost of sale, and to sell the detained property at public sale. The proceeds obtained by such sale or payment of taxes was to be apportioned by retaining one-third in the territorial treasury and the remainder to be apportioned among the counties according to the amount of the earnings of the companies in each county during the year for which the tax was collected.

The tax required of sleeping car companies each year was three per cent of their gross earnings, one-half of which was payable on or before April 15th, and the remainder on or before August 15th of each year.

In regard to express companies the laws of 1889 required that all county clerks or county auditors report to the territorial treasurer, on or before April 1st the number of express routes, the number of miles included or covered by each in his county, and the number of offices where goods were received. This law applied to all express and sleeping car companies doing business in the territory. "Provided, however, that express routes and sleeping cars owned and operated exclusively by railway companies doing business in this territory as part of their railway equipment, and whose gross earnings are included in railroad earnings in their an-

nual report to the territorial treasurer for the purposes of taxation shall be exempted from the provisions of this act."

The Taxation of Telegraph Companies.

The laws of 1881 required all telegraph companies operating in the territory to pay an annual tax of thirty cents per mile. By the laws of 1887 this rate was increased to sixty cents per mile for the first wire, thirty cents for the second wire, and for each additional wire twenty cents per mile.

The Taxation of Railways.

According to the laws of 1875, every railway corporation operating in the territory, on or before the first day of February each year, was required to make a report to the territorial auditor of the condition of its affairs for the previous year, showing the amount of its capital stock paid in, the amount and nature of its indebtedness, if any, the amounts due the corporation, the amount expended for land, for construction of roadbed, for buildings, for engines and cars, the amount received for transportation of goods, passengers, mails, and express, and from all other sources. The report was also to show the amount of freight in tons, the amount paid for repairs on buildings and other property, the current running expenses, the number of dividends declared, with the amount of each, and the amount of profit earned by the road. A copy of this report was required to be published in the county in which the main office was situated, or at the capital of the territory, and the territorial auditor was required to incorporate it in his report to the governor.

The session laws of 1872-73 gave the territorial treasurer due power to assess and collect the territorial tax from railroads in the territory where they passed through any organized county or where for any cause the territorial tax had not been assessed or collected. This tax according to the statute could be assessed and collected at any time from the first of January to the thirty-first of December. The treasurer was allowed a commission of five per cent for the assessment and the collection of such taxes.

The legislature of 1879 passed a gross earnings tax law providing that every railway corporation or person operating a railway in the territory should pay to the territorial treasurer two per cent of its gross earnings for each year or part of year that the road had been in operation and three per cent of the gross earnings each year after the expiration of five years, one-half of which was to be paid at the time of the report of the railway to the territorial treasurer on or before February first, and the remainder on or before August tenth of each year.

In case it was suspected that an incorrect report had been given, the governor or any person, was empowered to obtain access to and examine the books of the railway company. This gross earnings tax was to be paid in lieu of all taxes upon roadbed, right of way, station or depot grounds, track, rolling stock, round houses, machine shops, depots and necessary buildings, tools, machinery, furniture, material for repairs, gravel beds, railway telegraph lines and instruments, and fuel. All other property was to be assessed, levied upon and the taxes collected the same as the real estate of individuals and other corporations, whether the property was received from the Federal Government or obtained from other sources.¹ Of the tax collected the territorial treasurer was to retain one-third of the total tax. The remaining two-thirds was to be apportioned among the several counties according to the mileage of railways operated in each county. Nothing was stated concerning the physical valuation of the property in each county. So much opposition was brought to bear upon this act that it was repealed by the legislature of 1889, which made the basis of assessment and taxation to be the physical valuation of the property the same as for all other real estate or personal property.

The Taxation of Insurance Companies.

The laws of 1862 provided for the levying of taxes on insurance companies "existing in the territory and operating in Dakota territory"; a tax of one per cent on the amount of premiums received during the year previous to the listing

¹ Laws of Dak. Ty., 1879, Ch. 46, Secs. 24 and 25.

in the county where an agent conducted business. The agent of the company was to prepare this list and was made personally responsible for the tax.

If the agent refused to render the required statement, the amount taken for a basis of taxation was to be fixed by the county assessor according to his knowledge of the company, or from such data as he might be able to obtain.

In 1885 the rate was increased to two and one-half mills upon the gross premiums received by the company, except in the case of a joint stock company, or a mutual company or association.

CHAPTER IV.

Local Taxation—The County Assessor

The laws of 1862 provided that a county assessor should be elected at the first general election after the legal organization of the county. Under the laws of 1864, the sheriff was to assume the duties of both the county assessor and the county treasurer, i. e., he was authorized to list the taxable property and to collect the taxes when they became due. No data are obtainable as to the length of time which the sheriff was to perform these duties, nor is the writer able to find a provision of the law which restored these duties to the assessor and the treasurer. However in the laws of 1866 no mention of the sheriff is made in this connection.

The assessor, or sheriff, was required by law to furnish bonds to the amount of \$500. This bond was subject to the approval of the county commissioners and was filed with the county clerk. If the person elected failed to qualify or to give bonds on or before the Tuesday after the first Monday in January following his election, the office might be declared vacant by the commissioners and be filled by the appointment of another person by them. This person was to hold office until his successor was elected and had qualified.

The assessor was required to take oath and subscribe on his bond an oath "for the faithful, and impartial discharge of his duty." He was also required to attend a meeting of the county assessors, which was held at the office of the territorial secretary on the first Monday of January. At this

meeting he received the classifications of the several kinds of taxable property to be assessed for that year and he also met with the other county assessors for the purpose of equalizing the assessment.

The law also provided that the assessor be provided with the necessary books for the purpose of entering the lists of the several kinds of taxable property. These books were to be furnished by the county commissioners of the various counties. In these books he was required to enter the names of individuals, corporations, companies, societies, partnerships or firms to whom property was taxable. Lands were to be listed by the township, range, section or part of section. When the land was not a legal subdivision some other description sufficient to identify it was to be entered on the books. Town lots were to be listed under the name of the town, by number and block or otherwise.

A list of the polls of each county was required to be made. According to the law the assessor was required to administer an oath to every person he assessed. His books were to be closed and returned to the clerk of his county by the first Monday of May. For neglect or non-performance of duty "at the time or manner specified by law" he was liable to a fine of from \$50 to \$500. This fine was to be recovered by court action brought against him by the county commissioners. The proceeds from such fines were to revert to the school fund of the county in which the action was held.

The Fixing of the Rate of County Taxes.

The legislature of 1862 passed an act which limited counties to a levy not to exceed, including the support of the poor, two mills, a poll tax not to exceed \$1 and for the redemption of bonds and the building and maintenance of bridges not more than one mill.¹

An act passed December, 1869, changed this rate for a general territorial tax from one-half mill to not more than two mills, for ordinary county revenue not more than four mills, and for roads and bridges two mills, and also a road poll tax of \$1.50, or one day's work. For work performed

¹ Laws of Dak. Ty., 1862, Ch. 69, Sec. 1.

the person working received a certificate, which certificate was to be accepted by the county treasurer the same as cash in the payment of road taxes.

School District Taxation.

According to the laws of 1862 the voters of organized school districts were empowered to vote an annual tax not to exceed one-half mill on the taxable property of the district for the purchase of a site and the erection of a school building, and not to exceed one-fourth mill for teachers' wages, and also the tax for school equipment of not more than one-fourth mill. The levy made was to be reported to the county superintendent between the first and the fifteenth of September of each year.² The treasurer of the local board was to receive all money due from the county treasurer and to disburse the same on the order of the district clerk.³ The taxable property was designated as the same as was taxable for other support of other units of government. When the value of the taxable property of the district could not be ascertained from the county records the district board was given the authority to estimate such valuation and transfer the list to the county treasurer.

The Collection of Local Taxes.

When the treasurer of each county had received the report of the county board of equalization, he was required to enter on his books all unpaid taxes of prior years as well as the new taxes. He was to devote himself to the collection of taxes at his office from the second Monday of November to the first Monday in January. He was to make no demand for taxes, but every person subject to taxation was directed to pay his taxes at the office of the county when they became due. For those who failed to pay their taxes before the first day of February the taxes became delinquent and constituted a lien on the property.

Each county was held responsible to the territory for the amount of territorial tax due, "excepting such amounts

² Laws of Dak. Ty., 1862, Ch. 81, Sec. 27

³ Laws of Dak. Ty., 1862, Ch. 81, Sec. 31.

as were certified as unavoidable, double or erroneous assessment."⁴

The county treasurers were required to remit to the territorial treasurer, or to pay into his hands, all funds due the territory, on or before the first Monday in November of each year, and at such other times as the territorial treasurer might demand. Such funds were to be paid in the identical warrants, if such had been received by the county treasurer in payment of taxes, or in coin or United States treasury notes. If he made payment in person, he was allowed ten cents per mile for travelling expenses each way by the nearest route. When the distance exceeded fifty miles he might remit the amount by money order and deduct the necessary expense.

Thus the revenue was obtained from the taxpayer and divided between the territory and the several county treasuries.⁵

Taxpayers were to receive receipts which were to be numbered consecutively and made out in triplicate, one being given to the taxpayer, one filed with the county clerk, and the county treasurer retained the third. Territorial warrants were made receivable for territorial taxes, county warrants for county tax, city warrants for city tax, school warrants for school tax in the district where issued. Receipts for work performed in payment of road poll tax and United States treasury notes or their equivalent were receivable for such taxes as were required by law to be paid in cash.

Taxation by Municipal Corporation.

Legislation was enacted by the legislature of 1887 authorizing any municipal corporation, which had been incorporated under the laws of the territory and having a population of not less than 3000 inhabitants, to levy and collect a tax not to exceed twelve mills upon the assessed valuation of the real estate within the corporate limits of the city. The proceeds obtained from this tax were to be used for the purpose of creating a fund which was to be used to pay in-

⁴ Laws of Dak. Ty., 1862, Ch. 69, Sec. 61.

⁵ Dak. Ty., Code of 1877, Ch. 28, Sec. 83.

terest upon the bonded indebtedness under the direction of their respective boards of education. Such municipalities were also authorized to levy and collect a tax of not more than four mills for the purpose of creating a sinking fund for the purpose of redeeming outstanding bonds when they should become payable. They were also permitted, according to the laws of 1887, to levy a school tax of not more than twenty mills.

Special assessments for sidewalks and other street improvements could also be made and when collected were to be kept in a separate fund and expended only for such purposes. (Ch. 139, Sec. 1) Municipal corporations were also authorized to collect licenses of from \$200 to \$500 annually from dealers handling intoxicating liquors (Ch. 139, Sec. 39). This was later increased to from \$500 to \$1000.

The County Board of Equalization.

According to the Code of 1877, the board of county commissioners was to constitute the county board of equalization. This board, or the majority of its members, was to hold a session of not less than two days at the county seat, commencing on the first Monday of May in each year for the purpose of equalizing and correcting the assessment roll. They might change the valuation and assessment of any property by increasing or diminishing the valuation, as would be reasonable and just, to render taxation uniform. They might also place upon the assessment roll any property which had been omitted. During the session any person or his attorney might appear before the board and apply to the board for the correction of any alleged errors in the listing of his real or personal property. The county clerk was to be the clerk of the board of equalization.

CHAPTER V.

Conclusion.

The task of making a critical survey of the tax history of the Territory is a difficult one. The data gathered have been from sources which in some cases are not always re-

liable, except for the official reports. It is also difficult for one who has never lived in the pioneer days to realize all the conditions which affected the public affairs of the territory.

In consideration of the theme as a whole the writer notes four causes of the financial difficulties of territorial days:

1. The pioneer spirit of the people.
2. The lack of means of communication and education.
3. The mobile character of the population.
4. The indifference and the inexperience of the legislators and administrative officers of the territory.

The settlers who came to Dakota were homeseekers. They had become dissatisfied with conditions with respect to the political privileges granted them and the burdens of excessive taxation imposed upon them in the East. Feeling the economic pressure which was brought to bear upon them, they followed Greeley's advice and "went west." Their chief aim was to establish homes and to cultivate the virgin soil. Since the land was free, they settled where they wished, established their own standard of living, and lived a life more or less free from governmental authority. When laws were passed they paid little attention to them, for the first few years at least. They felt the influence of the spirit of independence and chafed under the restrictions of higher authority. As was noted, they were given Federal aid in order to establish a territorial government but as to local government they were very negligent in organization, and felt that "Uncle Sam" would take care of them. Again, the hardships of pioneer life diverted their attention to individual and community interests.

Then, too, means of communication and of education were lacking. Schools, books, newspapers, and telegraph lines were few and far between. Even though laws were passed for his welfare, the average citizen had no way of informing himself, except possibly by means of some stray newspaper, or the political gossip of the hotel lobbies and the corner store. Sometimes, if sufficiently interested, he attended a political rally where campaign speeches were delivered, and gained some information which was flavored with

the political ideas of the candidate who happened to be the speaker.

The population, especially during the first few years of the history of the territory, was of an unstable character. While some families remained where they first settled, others became dissatisfied and moved to some other section or, because of the hardships incident to pioneer life, went back east. It was only after the second wave of western immigration in 1881 that communities began to centralize and establish local governments. Even the tax officers neglected their duties for various reasons, one of which was the comparative lack of funds available among the settlers who had become impoverished by several successive crop failures.

The early legislators, no doubt, did the best they could in the matter of law enactment but evidently gave little study to local economic conditions. The laws, for the most part were modifications of those of the older states, and were inadequate for the government of a new country. This is shown by the many changes and amendments which were made to the laws from time to time. And as noted, the administration which provided for the enforcement of the laws was also inadequate. No one was compelled to obey the laws, and the spirit of law evasion, which is prevalent even today in the western states, was more prevalent in pioneer days. Especially was there evasion of the tax laws. For instance, the several counties were required to report their assessments to the territorial auditor, but the latter had no way of ascertaining how nearly these reports represented the real valuation of the taxable property.

Since the groups of population were almost like large families, the assessor was often very lenient in his appraisals if he listed his neighbor's property at all. Often the assessment was merely a formality to comply with the law. The people wanted government up to the point where it would not inconvenience them. Very little attention was paid to who was elected and such government as they had was left to run itself.

As time went on experience proved an efficient teacher, and as economic conditions improved, so the government in

general improved. Gradually the territory became better in all respects and, by the time statehood was achieved, had shown remarkable improvement for the comparatively brief time of its existence as a territory.

LABOR LEGISLATION IN SOUTH DAKOTA*

By David Dykstra.

CHAPTER I

Employment of Women and Children.

The evils of the modern industrial system have nowhere been more pronounced than in their injurious effects upon those least able to bear them, namely, women and children. To be sure, even under the domestic system much manual labor was performed by these persons, but it was in the environment of the home and among friends. The keen competition for profits of a later day did not then compel parents to drive the young child to hours and tasks beyond his strength. It left the child free to live his life out of doors with some chance for play and relaxation. The wife, mother or daughter could spin or weave by her own fireside, surrounded by members of the family. The work left leisure for other duties. Life was sane, natural and healthful, even if somewhat monotonous.

But with steam came a radical change. Machinery took much of the load from human backs. The weaker classes were now able to take the places in industry formerly held so largely by adult male workers. They were willing to work for less, had no protection of laws or usage, were not organized and had little bargaining power and less ability. Hence there arose the abuses of child labor which became so notorious in England at the close of the eighteenth century. Children as young as five or six years of age often worked twelve, fourteen and even sixteen hours, in dark, damp, ill-ventilated, foul-smelling cellars or attics.¹

This was the prevailing situation in the textile factories. In the mines even more horrible abuses were common. Cheney says: "Children began their life in the mines at five, six or seven years of age. Girls and women worked like boys and

* A thesis submitted to the faculty of the College of Arts and Sciences in candidacy for the degree of Master of Arts, Department of Economics, University of South Dakota, June 2, 1924.

¹ Cheney: Industrial and Social History of England, p. 232-3.

men; they were less than half-clothed and worked alongside of men who were stark naked. There were from twelve to fourteen working hours in the twenty-four, and these were often at night. Little girls of six or eight years of age made ten to twelve trips a day up steep ladders to the surface, carrying half a hundred weight of coal in wooden buckets on their backs at each journey. * * * A common form of labor consisted of drawing on hands and knees over the inequalities of a passageway not more than two feet or twenty-eight inches high a car or tub filled with three or four hundred weight of coal, attached by a chain and hooked to a leather band around the waist."

Attention was at last directed to these awful injustices. Commissions to investigate conditions were appointed. Their reports resulted in, first, "The Health and Morals Act to Regulate the Labor of Bound Children in Cotton Factories" in 1802.² This law provided against the binding out of children under nine years of age, limited the number of hours of actual work to twelve, and forbade night work. Further, each factory employing bound children was to be white-washed and ventilated, while the apprentice was to receive at least one new suit each year and was to go to church and "be instructed in fundamental English branches."

This measure was strengthened by laws passed in 1819, 1833, 1844, and 1847. By the middle of the century conditions were materially improved. But little was done to change the deplorable state of affairs under ground until 1842.³ In that year laws were passed that no female of any age or any boy under ten years of age was to work underground. From that time on an extensive "code of regulation as regards age of beginning work, hours of work, lighting, ventilation, safety and licensing of engineers has been created."

In this country, too, the first factory laws were made to apply to women and children. The first such law was passed by Massachusetts in 1842. It fixed ten hours as the standard day for children under twelve, working in factories.

² Cheney: Industrial and Social History of England, p. 234.

³ Cheney: Industrial and Social History of England, p. 244.

"Today there is general agreement that legislation, at the very least, besides keeping children under fourteen out of the factory and in the school room, should prevent night work by all boys and girls under sixteen and limit their working hours to eight."⁴

Illinois reached this standard in 1903. Half of the states have followed her lead. "Of the remaining states half have nine-hour laws for children, and the rest allow a work day of ten hours or more." It is in the South that the children are today least protected. Days of eleven and twelve hours are not uncommon. Up to 1915 Florida, Georgia and Maryland had made no provisions for a maximum day, North Carolina permitted a sixty-hour week and in South Carolina a twelve-hour day for minors was not illegal.⁵

Thus we note a gradual growth of legislation governing the labor of women and children. South Dakota has shared in this. Because ours is overwhelmingly an agricultural state, in which industry as such has not yet come prominently to the fore, there has been relatively little need for the extensive codes that are to be found in Europe and the eastern states of our own country. The presence of the Black Hills with their gold mines has given rise to some lesser regulations concerning the employment of minors and females. The mines, however, were not opened until the last quarter of the past century, at a time when public opinion was pretty well agreed as to what was permissible and what optional. Hence the flagrant labor evils that once were so general were no more tolerated than were antiquated methods of extracting ores.

It was perhaps due as much to a spirit of imitation and the satisfaction that comes from being like one's neighbors as to any crying need that our lawmakers were led to enact some of the early statutes. That this is true we may safely conclude from the presence of an early statute concerning apprentices. It specified in detail who might be bound, under what conditions either parent was permitted to bind the minor children, the legal ages for apprenticeship, the juris-

⁴ Andrews: Labor Problems and Labor Legislation, p. 49.

⁵ Bureau Publication No. 10, U. S. Bureau of Labor Statistics, Chart No. 2.

diction of justice courts in such matters, the legal relationship existing between master and apprentice, the rights and duties of both and the penalties for failure to execute the agreement on the part of either master or servant.⁶

This was perhaps a survival of the former practice of binding orphans or dependent children in order to free the state of the responsibility of their support. Reference has already been made to the abuses existing under the system in the first quarter of the past century. That there was much need for such a law in the state sixty years ago seems hard to believe. When we stop to think that only here and there was a little settlement to be found, we realize that in only a few instances would parents wish to apprentice their children.

It is interesting to note that the bound children were to be taught the rule of three, that they were to receive religious instruction, and that, at the expiration of the period of service, they were to be given a Bible and ten dollars' worth of religious books. These were all reminders of a day that was already done.

The probate court was made the protector of the rights of the apprentice and of the interests of the employer. Misconduct or misbehavior was to be punished. For deserting the apprentice was to pay ten dollars for every month that he was absent. A deserter was to be arrested, returned and, in some cases, made to pay costs and fines after the apprenticeship relation had ceased. An amendment in 1877 stated that instead of being taught the rule of three the apprentice might be sent to attend the district school for a period of three months of each year.⁷

In 1865 a complete code governing the relation of master and servant was compiled.⁸ Only two provisions of the law will be here considered. Section 144 provided that children of Indian parentage should not be bound without the specific permission of the justice of peace. Sections 149-50 permitted a foreign minor to bind himself or to be bound to help pay the cost of passage to this country even if the period of service extended beyond the time when he attained

⁶ Session Laws, Dakota Territory, 1864: Chapter 6.

⁷ Session Laws, Dakota Territory, 1877: Civil Code, Sec. 147.

⁸ Session Laws, Dakota Territory, 1865: Civil Code, Sections 140-158.

his majority. However, in no case was such bound service to be for a period longer than one year after majority had been reached. All such indentures were to be witnessed by some public official. It is unnecessary to suggest that these provisions hark back to the days of forced immigration and contract labor, features of American life with which this state is comparatively unfamiliar.

About equally relevant was the law entitled, "An Act Regulating the Hours of Manual Labor", passed at the first session of the territorial assembly.⁹ It provided for a standard ten-hour day for children under eighteen years of age and women in all manufactories, workshops, and other places used for mechanical or manufacturing purposes. To permit any child under the age of fourteen to labor in any such place for more than ten hours was made a misdemeanor. A fine of not less than ten nor more than one hundred dollars was fixed as the penalty for conviction of the violation of the Act.

This law was continued in force in substantially the same form for many years. In 1877, under Section 739 of Chapter 57 of the Penal Code, it appeared as follows: "Woman or Child—Hours of Labor. Every owner, stockholder, overseer, employer, clerk or foreman, of any manufactory, workshop or other place used for mechanical or manufacturing purposes, who having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one hundred, and not less than ten dollars."

That it was largely an expression of opinion only is evident from the fact that no agency for carrying out the provisions of the law was established, and that it applied only to women and children under eighteen years of age. This is further illustrated in the use of the word "compel." There was nothing to prevent a woman from working for twelve or fifteen hours per day if she so desired. It is well known that considerations of pay, holding the job or pleas-

⁹ Session Laws, Dakota Territory, 1862-3, Chapter 49.

ant working conditions are often effective in causing employees to endure long hours. Legal prohibitions thus lose their power. Many forms of pressure other than official action can be used which actually compel the employee to tolerate unjust practices.

Under the common law the parent was entitled to the wages of the child. In order to avoid the confusion that so often results from this legal dependence, the legislature in 1866 somewhat more definitely fixed the rights and obligations of parent and child. Section 101 of the Civil Code of that year provided that when a child after attaining his majority continued to serve and be supported by the parent, neither party was entitled to compensation in the absence of any agreement therefor. It was further stipulated that the parent could relinquish to the child the right of controlling him and receiving his earnings. Abandonment by the parent was taken as presumptive evidence of such an attitude.¹⁰ The next section provided that a minor might be paid the wages due him, unless the parent or guardian within thirty days after the commencement of the service gave the employer notice that he claimed such wages.

So also was the husband legal guardian for the wife. She had no legal status outside of or apart from him nor could she sue or be sued, hold, own or dispose of property without his consent. The rights of women were first recognized by statute in 1871 when the legislature gave a married woman who had been deserted, or whose husband through intemperance or incapacity neglected or failed to support her, power to make contracts for her own labor, or that of her minor children, and in her own name to sue for and recover her own wages.¹¹

This was the sum of such legislation for twenty years. But no wonder! Settlers were few, industry was simple and primitive, and of social injustice incident to big business there was not a thought. The population numbered only a few thousands; cities there were none. In time, however, the Hills were explored, gold was discovered and mining became

¹⁰ Session Laws, Dakota Territory, 1866: Sections 101-3, Code of Civil Procedure.

¹¹ Ibid, 1871: Chapter 112.

for the first time an industry in South Dakota. In response thereto we find the First Session (1890) stating that no child under fourteen years of age should be employed in any mine on penalty not exceeding one thousand dollars.¹² There is no evidence to prove that this law was extensively applied or enforced. It is well known, however, that the early miners were in many cases men without families, and it is probable that there was little necessity for the law. It is interesting to note that Iowa in 1874 legally provided that no boy under ten years of age and no female of any age should work in any mine. In 1880 the age limit was raised to twelve, and in 1906 to fourteen years.¹³

Here, as elsewhere,¹⁴ laws governing the employment of children are closely bound up with compulsory education. So long as children are not compelled to go to school they find employment which seems more congenial, and the public conscience must indeed be strong which will prohibit the child from working when he so desires. Compulsory attendance laws set forth age limits and the minimum number of weeks that a child must be in school and provide truancy officers to administer the law as strictly as public sentiment will permit.

Among the causes for child labor are shiftless, selfish, or ignorant parents; industry selfishly or weakly grasping for larger profits at the expense of society and the future prospects of the rising generation; and a public opinion which, either through indifference or lack of appreciation of the consequences, permits child labor. Because of the existence of these influences, those alive to the danger have made use of compulsory attendance laws to lessen the evil.

In 1891 a law¹⁵ was passed prohibiting the employment of children between the ages of eight and fourteen in "any factory, workshop or mercantile establishment, or except by his parent or guardian in any other manner during the hours when the public schools are in session". If the child had attended a private school, or if his physical or mental condition

¹² Session Laws, South Dakota, 1890: Chapter 112.

¹³ Pollock: *Economic Legislation in Iowa*, p. 265.

¹⁴ Briggs: *Social Legislation in Iowa*, p. 280.

¹⁵ Session Laws, South Dakota, 1891: Chapter 56, Article VII.

was such as to render attendance impractical or inexpedient and the firm or person procured a certificate from the superintendent to this effect, the child was exempted from the provisions of the law. The penalty for the violation of the Act was a fine of not less than ten nor more than twenty dollars and costs. Furthermore, the parent or guardian of a child who misrepresented his age with intent to defeat the law was to forfeit a sum of not less than ten nor more than twenty dollars for the use of the school corporation.

The fact that the child could be excused after attending twelve weeks gauges correctly the strength of the sentiment behind the law. Concerning the administration of the law, Mr. W. W. Ludeman has said: "In reality then it was assumed that this law would be violated, when the last section was put in, and hence was no labor protection at all. Furthermore, no machinery was provided for the enforcement."¹⁶ The district school board or the chairman of the Board of Education were to prosecute violations of the act. They, in turn, were to be prosecuted by the county superintendent for failure to prosecute violators as required by law. This clearly shows that lax enforcement was expected.

The Act of 1891 was re-enacted in substantially the same form in 1893.¹⁷ Very little more was done for some years other than to order a longer period of compulsory attendance. In 1901 eight consecutive weeks of attendance were required. In 1907 the age limit was raised to fifteen years.¹⁸ All work was prohibited in a number of enumerated places and industries, and in addition children were permitted to work in stores only during the hours when the public schools were not in session. For violations a fine of ten to fifty dollars was provided.

The 1907 law increased the period of compulsory attendance to sixteen weeks, of which twelve were to be consecutive. But it was only in 1913 when an act entitled, "An Act to Regulate the Employment of Women and Girls and Children, fixing the hours thereof, and the conditions under which

¹⁶ Ludeman: History of Education in South Dakota, S. D. Hist. Coll., XII, 483.

¹⁷ Session Laws, South Dakota, 1893: Chapter 78, Article VII.

¹⁸ Session Laws, South Dakota, 1907: Chapter 135, Article VII, Sec. 150.

they shall labor and providing a penalty for violation of the Act", was passed, that the law really meant something. Ten hours was fixed as a standard day and it was made a misdemeanor, punishable by a fine not to exceed one hundred dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment, to exceed this working period. Farm laborers, domestic servants, and persons caring for stock were exempted from the operation of the law.

The employment of any child under fourteen years of age was prohibited except during the vacation of the public schools. Further, as the law read, "No child under sixteen years of age shall be employed at any time in any such occupation dangerous to life, health or morals, nor shall he or she be employed for more than ten hours in any day, or sixty hours in any week, except that on Saturdays and for ten days prior to Christmas he or she may be so employed until ten o'clock P. M. * * * *,"¹⁹

Had the law stopped there it might have become an effective instrument for keeping children in school and lessening child labor. But in Section Three the employment of children under fourteen years of age was indirectly permitted. The employer could engage such children if he had on file a certificate signed by the county superintendent, stating the name, date, place of birth, the age of the child, that he could read at sight or write in legible hand simple English sentences. Secondly, the child could be employed if he were a regular attendant at some other school. Finally, child labor was permitted if the labor of the child was necessary to help in his support or that of the family. The law further provided that the county superintendent was to be permitted to visit any place where children were employed.

In 1915 the compulsory feature was extended to every child between eight and sixteen years both inclusive.²⁰ Children were required to attend the entire term school was in session, or until the sixth grade had been completed. The board could reduce the required period to sixteen consecutive

¹⁹ Session Laws, South Dakota, 1913: Chapter 240.

²⁰ Session Laws, South Dakota, 1915: Chap. 170, Article VII, Sec. 148.

weeks after the completion of the sixth grade, until a child had completed the seventh and eighth grades, or had reached the age of sixteen years. As before, there were many exceptions to the rigid carrying out of the statute. Sentiment was not yet strong enough to support an honest execution of the law. Three loop-holes were offered: the child could (a) receive instruction outside the school, (b) claim that he had already acquired the required knowledge, (c) urge that his physical or mental condition did not warrant his attendance and that to compel attendance would be inhumane.

The last law on the subject was passed in 1921.²¹ Attendance was to be through the eighth grade or until a child had reached seventeen years of age. The only exception to a strict enforcement of this law was that the county superintendent could excuse anyone who had completed the work of the sixth grade for a period not to exceed forty days between April first and November first. This is to permit boys to help with the sowing or gathering the corn.

That these laws have been of some effect becomes evident from a study of a table covering a period of years having the average number of days attendance per child per year.²² The average attendance per child per year rose from forty-seven days in 1892 to seventy-nine in 1894, an increase of almost seventy per cent. It is significant that the first compulsory attendance law was passed in 1891 and re-enacted in 1893. The attendance figure was increased to ninety in 1900; became ninety-nine in 1908, and passed the hundred mark for the first time in 1912 when it stood at one hundred and ten. In 1914 the average attendance was one hundred and twenty-three days or two hundred and sixty-one per cent of the first figure. The record of 1914 has never been excelled. It was equalled in the years 1916 and 1920. The former was a period of expansion in industry, the latter one of depression. In thirty years the enrollment rose from 66,250 to 147,025. The average daily attendance figures changed from 40,465 to 98,906. These increases are about 221 per cent and 244 per cent, respectively.

²¹ Ibid, 1921: Chapter 199.

²² Ludeman, S. D. Hist. Coll., XII, 480.

That law is dynamic and not static is evident from the fact that quite recently new acts have been passed still further protecting women and children.²³ Thus, in 1923 the age limit was raised to sixteen years; the number of hours of work in any one week was reduced to fifty-four, and the expected period was changed from ten days prior to Christmas to five. The law reads as follows: "except that for five days prior to Christmas he or she may be employed not to exceed twelve hours per day during that period * * *, provided that this Section shall not apply to farm laborers, domestic servants, telegraph and telephone operators or to persons engaged in the care of live stock * * *." To a city having a population of three thousand was given the right to fix a day not to exceed ten hours.

No child under fourteen years of age, according to the 1923 statute, may be employed in any factory or workshop or about any mine at any time. Such a child may not be employed in any mercantile establishment except during the vacation of the public schools, or outside of school hours, and in no case after seven o'clock p. m. No child under sixteen years of age may be employed at any time in any occupation dangerous to life, health or morals.

These provisions are far more specific than those found in the laws of 1913 and 1915. The total number of hours per week is reduced from sixty to fifty-four. Night work is limited to seven o'clock p. m. for children under fourteen years of age. No excuses for non-attendance at school are allowed. Children under sixteen may work not to exceed twelve hours per day. In 1913 the limit was fixed at ten o'clock p. m. which might mean thirteen or fourteen hours per day.

This progress in legislation establishes a record that measures up pretty well with that of the other states. In some respects South Dakota is fairly progressive; in others, room for improvement can be found. By way of conclusion, a summary of what has been accomplished, with a comparison of the laws of some of the states, has been attempted. To-day work by children under fourteen years of age is prohibited in mines, factories or workshops, and only permitted in mer-

²³ Session Laws, South Dakota, 1923: Chapter 308.

cantile establishments after school hours and before seven o'clock p. m. The labor of children under sixteen is prohibited in any occupation that is dangerous to life, health or morals, and the hours are limited to ten in any one day, and fifty-four in any one week, except five days prior to Christmas, when they may work not to exceed twelve hours per day. School attendance is compulsory for the entire session up to seventeen years of age, with the one proviso that children having completed the sixth grade may be excused not to exceed forty days between April first and November first.

In 1919 the state of Iowa made 40 hours the maximum for a week's work for children under sixteen in districts where there is a part-time school or class. These part-time schools are "for vocational, and other education, for minors between the ages of fourteen and sixteen years." Three classes are enumerated: those sixteen years of age who hold work certificates; those who have not completed the eighth grade and are employed in a store or mercantile establishment where eight or a less number of persons are employed; and those who have completed the eighth grade and are not engaged in some useful occupation. Instruction is for a minimum of eight hours per week between the hours of eight a. m. and six p. m.²⁴ Only two states, Florida and Mississippi, permit work under the age of fourteen while school is in session. On the other hand, only five states have a higher minimum than fourteen years.

The maximum number of hours vary from eight per day and forty-eight per week to eleven per day and sixty per week. South Dakota avoids both extremes with a ten hour day for a fifty-four hour week. Thirty-one states provide an eight hour day for children, usually with a forty-eight hour week, although some make no provision for the maximum number of hours per week. Five states permit a nine-hour day, and a fifty-four hour week; seven favor a ten-hour day. Of these, one provides for a forty-eight hour week, three for a fifty-four hour week, one a fifty-five hour week, and two require sixty hours of labor each week. New Hampshire, North Carolina and South Carolina share the

²⁴ Bulletin No. 277, U. S. Bureau of Labor Statistics, p. 119.

dubious honor of permitting a day longer than ten hours, but in no case do they tolerate more than sixty hours of work per week. Georgia and New Mexico make no provision for the maximum number of hours per day. The former does provide for a sixty-hour week. The same state requires only twelve weeks of school attendance. Louisiana, Nevada, New Mexico, and North and South Carolina have no educational requirements.²⁵

In the matter of permitting child labor in mines, South Dakota is on par with nine states; two make fifteen the minimum age; two other states place the age at sixteen; Texas prohibits work in mines of all under seventeen years. Wisconsin, Pennsylvania, New Jersey and Arizona prohibit labor in mines by all under eighteen years of age. Iowa and North Dakota have placed the age at sixteen. Nine states and the District of Columbia have no law governing the employment of children in mines. The following table²⁶ compares the laws of South Dakota with those of some of the neighboring states.

State	Night Work	Min. Age	Hrs. per Day	Hrs. per Week	Phys. Exam. for Employment	Compulsory Attendance	Min. Age in Mines
Mont. . .		16	8	48		16	16
N. Dak. .	6 p. m.	14	8	48	Optional	17	16
Minn. . .	6 p. m.	14	8	48		16	14
Wis. . . .	6 p. m.	14	8	48	Optional	16	18
Iowa . . .	6 p. m.	14	8	48	Mandatory	16	16
S. Dak. .	7 p. m.	15	10	54		17	14
Kansas .	6 p. m.	14	8	48		16	14
Mo.	9 p. m.	16			Mandatory	16	14

The Virginia law, enacted in 1922, indicates the recent trend in protective legislation. It provides for an eight hour day and a forty-four hour week for children under sixteen in all occupations. All work must be done between 7 a. m. and 6 p. m., agricultural labor alone being excepted. No child under sixteen is permitted to work in any mine, quarry, tun-

²⁵ Bulletin No. 10, U. S. Bureau of Labor Statistics, Charts 1 & 2.

²⁶ Bulletin U. S. Dept. of Labor, "Ten Questions Answered".

nel, excavation work, brick or lumber yard. No boy under sixteen nor girl under eighteen may work in any cigar or tobacco store, or in any theatre, pool hall, bowling alley, or in any hotel, restaurant, steam laundry, passenger or freight elevator. Further, no male under fourteen and no female under eighteen may serve as a messenger. These age limits are raised to eighteen and twenty-one for males and females respectively if the work is before five o'clock a. m. or after ten o'clock p. m. School attendance is compulsory up to the fourteenth birthday.²⁷

From the foregoing we may draw the following conclusions. With regard to the minimum age of employment South Dakota stands in the front rank. This is also true of the compulsory school attendance law. Boys are permitted to work in mines at an earlier age than most states permit. Longer hours, too, are required of the children, both for a single day and a week. This state is one of the five which does not prohibit night work for children under sixteen years of age, nor is any physical examination required of them. An eight hour day, a forty-eight hour week, definite prohibition of labor between the hours of six p. m. and seven a. m., with physical examination before employment could be legally permitted, seem not unreasonable even in South Dakota.

CHAPTER II

Hours and Wages

Most early legislation for improved conditions in the labor world was for the benefit of women and children. These laws, however, re-acted upon labor conditions for men to some extent. "Both in Great Britain and the United States the limitation of hours for women and children has served in effect to limit them for men also; directly in those industries where the men are employed with the women and children, and indirectly through the influence of comparison and tradition."¹ But for the most part shorter hours, better working conditions and better pay for men have come not as the

²⁷ Bulletin No. 330, U. S. Bureau of Labor Statistics, p. 40-44.

¹ Taussig, Principles of Economics, Vol. II, page 287.

result of legislation, but through collective bargaining, organization, and self-help of the men themselves.

Taussig says: "Limitation of hours of labor for men stood in all countries on a different footing from such limitation for women and children." Men were left to shift for themselves. Some slight provisions were made for the most difficult or dangerous trades, or those requiring long hours, but nothing more.² This opinion is supported by Commons. He says: "In England and America it has generally been held that legislation reducing the number of working hours should apply only to women and minors and not to men."³

There are several reasons for this attitude. Among them might be mentioned the hesitation of the courts to interfere with property rights under the fifth amendment. If a man wanted to work twelve hours a day seven days in the week the courts zealously preserved that liberty for him. Again there was a wide-spread opinion that the true interests of labor would be best served through self-help. To fight, to demand improved conditions, to refuse to accept a low standard of living was considered the best way to develop a vigorous and valuable labor force. A third reason may be found in the opposition of the labor unions. A militant organization can be maintained only by having definite objectives and constantly striving for their realization.

However, the support of the Adamson law shows that organized labor is changing its attitude toward labor legislation. The courts, influenced by public sentiment, have learned through experience that *laissez faire* and self-help are not enough. Increased productivity, greater efficiency, and higher standards of living are promoted by such assistance from the government.⁴

Proof of this fact is not lacking. Coal miners in Illinois mined more tons per man per day in eight hours than in ten. "Each year of the eight hour day shows for the country as a whole a larger output per day for each workman than the highest output of the ten hour day."⁵ In 1913, 16,000 men

² *Ibid.*, p. 291.

³ Commons, *Trade Unionism and Labor Problems*, p. 471.

⁴ Taussig, *Principles of Economics*, Vol. II, p. 249-295.

⁵ Commons, *Trade Unionism and Labor Problems*, p. 463.

working ten hours per day produced 16,000 Ford cars in the month of February. In the corresponding month of the year following 15,800 men produced 26,000, working eight hours per day.⁶

Because experience has demonstrated that though factory hours have been reduced from eleven or twelve to ten and less,⁷ production has increased rather than diminished, there has resulted a gradual lessening of the opposition to remedial legislation. Today we find a body of laws not only limiting hours, but fixing standards for working conditions, guaranteeing prompt and full payment of wages, providing for exemptions from creditors, protection against convict labor and in some cases even minimum wage laws. Regulations governing, and those affording protecting features will be considered in subsequent chapters. Here we shall show what this state has done in the matter of hours and wages.

First, a very brief general survey may not be out of place. Laws governing the hours of labor for men now apply to public works, mines, interstate commerce, as well as to factories and workshops. In this extension of the field of labor legislation the Federal Government has not only led the way with actual laws passed, but has exerted even greater influence by putting such measures into practice. The ten hour law of 1840, effective only in navy yards was extended in 1868 to include all laborers. Later, the working day was cut to eight hours. In 1912 a clause requiring an eight-hour day was inserted in all contracts made by the government.

This attitude toward labor has been copied by more than half the states in dealing with employees in public work. Many municipalities also have passed ordinances calling for eight-hour days for employees. Furthermore, sixteen states have limited work in mines and smelting establishments to eight hours. Some states have gone even further. They make the degree of danger the measure for the legal employment period.⁸

When the territorial legislature met in 1862 there was already on the statute books of various states a considerable

⁶ Andrews, *Labor Problems and Labor Legislation*, p. 55.

⁷ Taussig, *Principles of Economics*, Vol. II, p. 297.

⁸ Watkins, *Introduction to Study of Labor Problems*, p. 610-11.

body of laws concerning the length of the working day. Some of these laws no doubt were taken over bodily as, for instance a provision in 1862 for a standard ten-hour day. It was stipulated that in the absence of an expressed contract all agreements in regard to work should be so construed. Although no penalties were provided, the law said that all money derived from fines collected for the violation of this act were to be used for benefit of the common schools.⁹

In 1865 a code was first attempted. Here labor was defined, employment classified, and the relations between the employer and employee set forth. Rights and duties were made clear. However, this complete and detailed body of laws was not the product of the fertile minds of our early lawmakers but was a copy of the statutes in force in New York, California, and elsewhere.¹⁰

Under particular employments the relation of master and servant was made clear. A servant was defined as anyone who was employed to do personal service and was entirely under the control and direction of his master. The period of service was gauged by the length of time adopted for the estimation of wages. If paid by the day, week, month, or year the service was to be for such a period. A domestic servant was hired by the month, a clerk or other servant not mechanical or agricultural for a year. When the period of service was ended, and nothing had been said to the contrary, the understanding was that the contract had been renewed. In other employments in the absence of any specific agreement, ten hours was to be the standard day.¹¹

The employee was also given some protection. He could terminate any employment even for a specified period if the employer failed to fulfill his agreement. The worker was expected to carry out all reasonable orders of his employer, but he was not asked to do the impossible or anything which was unlawful.

Even though ten hours was made the legal working day in 1862, violation of the provision was not defined, nor was any penalty affixed until 1877. The law then said that every

⁹ Session Laws, Dakota Territory, 1862, Chapter 249.

¹⁰ Revised Code of 1877, Preface, p. 5.

¹¹ Session Laws, Dakota Territory, 1865, Civil Code Sections 1034-40.

act prohibited by any statute for the violation of which no penalty had been fixed was to constitute a misdemeanor, punishable by imprisonment not to exceed one year, by a fine not exceeding \$500 or by both such fine and imprisonment.¹² In the same code it was made unlawful to do any servile labor on the Sabbath. All trades, manufactures or mechanical employments were prohibited upon the first day of the week.¹³ In addition, an obligation to render personal service could not be enforced.¹⁴

Provision was also made for terminating the agreement of employment. Every such contract ended when either the employer or employee died, or became legally incapacitated. It was also canceled when the appointed term ended or the work was completed. In the absence of any definite period of employment, either party might annul the contract on notice to the other.¹⁵ That the labor code is not the product entirely of local demands or of local conditions becomes evident in the sections pertaining to the powers or duties of masters and seamen. The master had entire power even to the extent of confining the seamen or of inflicting corporal punishment. He could also discharge any seaman before termination of the voyage for disobedience or unfitness.¹⁶ This power was given to the master for misconduct, gross immorality or upon discovery of misconduct prior to the engagement, if knowledge of it would have influenced the master against hiring that servant. But under no circumstance could any contract for personal service be enforced beyond two years.¹⁷

The only specific law in any way limiting the hours of adult male labor was passed in 1907. It applied to employees of common carriers. Any man connected with the movement of trains could not remain on duty for more than sixteen consecutive hours. Anyone having been on duty for more than sixteen consecutive hours had to be allowed at least ten hours of rest. Anyone who had been working six-

¹² Ibid., 1877, Penal Code Section 14-217.

¹³ Session Laws, Dakota Territory, 1877, Section 46.

¹⁴ Ibid, Civil Code, Section 1893.

¹⁵ Ibid, 1865, Civil Code, Section 1026-30.

¹⁶ Ibid, Section 1054.

¹⁷ Ibid, Section 1013-14.

teen hours in any twenty-four hour period could not be engaged for eight hours thereafter. In other words, the total number of hours of work in any twenty-four hour period was not to exceed sixteen. The penalty of fines ranging from \$100 to \$1,000 was fixed for the violation of this act. Relief and wreck trains were to be exempted from the operation of this law. Further, the carrier was excused if the violation resulted from accident or interrupted train schedules.¹⁸ It is noteworthy that in Iowa an almost identical law was passed in the same year.¹⁹

Perhaps the changing attitude in regard to the length of the working day may best be illustrated by the service on public highways and streets. In 1866 the law required one day of work on the public highways of every able-bodied citizen between the ages of twenty-one and fifty. Nothing was said as to the length of the working day.²⁰ The next year two such days' work were required with no provision for hours.²¹ In 1883 a similar law said the day was to be one of ten hours.²² This was reduced two years later to eight hours.²³ In 1917, when municipalities were empowered to require the male citizens to labor one day on the streets or pay a money equivalent of two dollars, the length of such day was fixed at eight hours.²⁴

The code of 1865 contained more than 100 sections applying to labor and employment. In it were found references to wages as well as the question of hours and termination of employment. Section 1032 was somewhat ambiguous in its wording: "An employee dismissed by his employer for good cause is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract." The next section clearly specified that in case the employee quit the service of the employer for good cause, he was entitled to that per cent of his wages which he would have earned had he completed the employ-

¹⁸ Session Laws, South Dakota, 1907, Chapter 220.

¹⁹ Briggs, *Social Legislation in Iowa*, p. 263.

²⁰ Session Laws, Dakota Territory, 1865, Chapter 25.

²¹ *Ibid.*, 1867, Chapter 29.

²² *Ibid.*, 1883, Chapter 112.

²³ *Ibid.*, 1885, Chapter 128.

²⁴ Session Laws, South Dakota, 1917, Chapter 309.

ment that the work already performed bears to the whole undertaking or contract.²⁵

The wages of a seaman were protected against the loss of a lien on the ship. Any agreement to waive his rights in case the ship was lost was held to be void. His wages were due at the end of the voyage. They began either when he first began work, or from the time specified in the agreement for beginning work, or from the date of his presence on board, whichever occurred first. Should the voyage be canceled, he must be paid for the time served, and may keep any advances received, to indemnify him for loss of time. If he were wrongfully discharged, or forced to leave through the cruelty of the master he had an action for his full wages.

On the other hand, a sailor forfeited his wages should he desert without cause, be discharged for cause, such as misconduct, theft, or wilful injury to the ship or cargo.²⁶ In 1877 an amendment to a provision in the earlier code specified that the wages of a seaman are due when, and so far only as freightage is earned, unless the loss of freightage is due to the negligence of the owner or master.²⁷

The last law on the payment of wages was passed in 1919. It applies to operators of service railroads, and provides that all wages due either manual or clerical labor shall be paid twice each month, on or before the fifteenth day of the month, and the first day of the month next succeeding. If the worker be absent on the regular pay day he shall be paid on any day thereafter upon application to the proper paymaster. The law did not prevent weekly or daily wages. A penalty of a fine of from \$25 to \$100 was fixed for the violation of the act.²⁸

In the state of Iowa miners were paid twice a month as early as 1897. This was to be paid upon demand. In 1904 the law was amended to the effect that wages were due and payable on the Saturday following the twentieth and fifth of the month.²⁹

²⁵ Session Laws, Dakota Territory, 1865, Civil Code, Sections 1032-33.

²⁶ Session Laws, Dakota Territory, 1865, Civil Code, Sections 1065-76.

²⁷ Ibid, 1877, Civil Code, Section 1190.

²⁸ Session Laws, South Dakota, 1919, Chapter 297.

²⁹ Briggs, Social Legislation in Iowa, page 244.

The latest action taken by society in its effort to adjust some of the inequalities between those who have and those who toil consists in fixing minimum wages.³⁰ This form of protection, however, is confined almost entirely to women and children because without bargaining power or mobility they are the most defenseless classes in the labor market. Competition for work is also much keener among these unorganized workers. Minimum wage legislation was begun in Australia in 1896, the suggestion coming from New Zealand two years earlier. Applied first in the sweated trades, it has been extended to include a number of occupations. England adopted the principle in 1909 when two hundred and fifty thousand employees were brought under the law. Ten years later agricultural laborers were given similar protection.

In general such legislation was made to apply to both sexes, but in the United States it is largely limited to women and children. The first minimum wage law to be enacted in this country was passed in Massachusetts in 1912. The next year eight other states adopted somewhat similar measures. In some they were not enforced, in others repealed, and in still others amended and strengthened. The constitutionality of such legislation was long in question, but with a favorable decision by the Supreme Court in cases covering the Oregon law, this difficulty has been overcome.³¹

This principle has been gradually extended, South Dakota being the last of fifteen jurisdictions to enact such legislation. It was in 1923 that the legislature provided that no woman or girl over fourteen years of age should work "in any factory, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant, or packing house" for less than twelve dollars a week. Any such persons receiving less than that amount had a civil action to recover the difference between such minimum wage and the actual wage paid. The plaintiff was also entitled to the costs of the action notwithstanding an agreement to work for less had been made.

Apprentices or those learning the trade or employment were permitted to work for less but a written notice of such

³⁰ Watkins, *Introduction to the Study of Labor Problems*, p. 602-609.

³¹ Andrews, *Labor Problems and Labor Legislation*, p. 37-42.

employment by all such employees was to be given to the Industrial Commissioner. That official was further permitted to allow those mentally or physically defective or disabled to work for a lower wage.

That the law might be enforced a penalty was attached. Violation of the same was a misdemeanor punishable by a fine of not less than ten nor more than one hundred dollars, by imprisonment for not more than thirty days, or by both such fine and imprisonment. That the law has had wide application in the state there is no reason for believing. Yet the consensus of opinion is that such laws do advance the wages of the poorest paid of the protected classes.³²

North Dakota passed a minimum wage law in 1919 that is far more comprehensive and complete than the statute just discussed. It included women and minors under eighteen years of age in all employments except agriculture and domestic service. A compensation bureau was created to administer the law. Wages were to be fixed "to supply the necessary cost of living and maintain them in health; for minors not unreasonably low." Fines ranging from \$25 to \$100, imprisonment for a period of ten days to three months or both were fixed as the penalties for violation. The injured employee was privileged to recover in "civil suit the minimum wage less any amount actually paid, together with the attorney's fees as may be allowed by the court."³³

The leaving of wages to be determined by a commission seems to be preferable to stating a fixed minimum, since no two occupations make the same demands upon the skill, industry, and initiative of the worker. Because the blanket wage is bound to be low, it seems to comport better with reason to allow some administrative body to determine the demands of each kind of work and fix a reasonable and just wage therefor. In the matter of compensation South Dakota occupies a middle ground. Arizona, Kansas, Massachusetts in most occupations, Utah, and Arkansas pay a weekly wage of ten dollars or less. The District of Columbia, California, North Dakota, Oregon, Washington, and Wisconsin provide

³² Session Laws, South Dakota, 1923, Chapter 309.

³³ Bulletin 285, U. S. Bureau of Labor Statistics, p. 28.

for wages of fifteen dollars or more per week. Minnesota and Texas both pay twelve dollars a week. Of all the states that have adopted such laws, Kansas has fixed the lowest minimum at eight dollars and fifty cents as the weekly wage in laundries and mercantile establishments. Contrasted thereto the compensation bureau in North Dakota has decided upon seventeen dollars and fifty cents as the minimum wage for waitresses and in mercantile establishments.³⁴

The sentiment in favor of limiting the hours of labor or the amount of wages or the manner of the payment thereof by law has not been very active. That this is true is abundantly proven by the dearth of legislation on these phases of labor. But there was a well-nigh unanimous belief that the wages earned should be protected and should be paid. In territorial days, safeguards were thrown about wages. Even though the ship were wrecked, the seaman could claim wages for his time up to the loss of the ship, if he had been diligent in trying to save the ship and cargo. This held even though the ship earned no freight revenues. If sickness or injury, without fault of his own, prevented him from rendering service, his heirs might collect wages due him up to the time of his death, provided they would have been due him had he lived.³⁵

It goes without saying that maritime labor laws were not of general application in South Dakota. Laws relating to the liability of the stockholders of a corporation were not much more pertinent in this state in 1877. And yet, in the civil code of that year, it was provided that the stockholders of any corporation would be jointly and severally liable in their individual capacities for all debts due to mechanics, workmen or laborers employed by the corporation. This liability was enforceable by an action against the individual stockholder whenever an action against the corporation had been returned unsatisfied. It was to be brought within four months.³⁶ This protection was limited ten years later by the proviso that the limit of each stockholder's liability was to be determined by the amount unpaid upon the shares owned by

³⁴ Bulletin 285, U. S. Bureau of Labor Statistics, p. 33.

³⁵ Session Laws, Dakota Territory, 1865, Civil Code, Sections 1065-76.

³⁶ Ibid, 1877, Civil Code, Section 514.

him at the time that the action was begun. The last sentence read as follows: "and in no case shall a stockholder be individually and personally liable for the debts of the corporation."³⁷

To further assure the worker that his wages would be paid, laws on mechanic's liens were passed. Beginning with the first, hardly a session passed in which this feature was not amended or strengthened in some form.

The Territorial Assembly of 1862 enacted a labor lien law. Anyone having a claim to the amount of ten dollars was permitted within ninety days to file a complaint and serve notice on the defendant. In the complaint it was necessary to locate the work, and indicate what labor or materials had been furnished. This statement was to be filed with the clerk of the district court and was to constitute a lien upon such property.

If the labor and materials furnished had been for some contractor, a similar action would lie if the complaining witness notified the owner of the property that the contractor was in the laborer's debt. However, the owner's liability was limited to the amount due the contractor. The owner was also protected against any independent action by the contractor until the lien had been satisfied.

The legal period for filing the lien lapsed in ninety days unless the defendant was in hiding. The property so held was subject to sale for satisfaction of the lien. If insufficient in amount to extinguish the lien, then the worker might proceed against other property not exempt by law.

The district court was given jurisdiction in such cases. If the lien had been satisfied and costs paid, the plaintiff was required within six days to publish the satisfaction of the lien in the same place where it had originally been filed. For failure to quit the lien the defendant could collect double damages.

This law was made to include any person who made, altered, repaired, or bestowed labor on any article of personal property at the request of the owner. Any article upon which labor had been done could be held until the charges

³⁷ Compilation of 1887, Civil Code, Section 2923.

had been paid. If not paid within three months the same could be sold at public auction.³⁸

So determined were the law-makers that the worker was not to be defrauded of his wages that in an early statute listing exemptions of property from seizure for debt he was particularly designated. We read: "Nothing in this act shall be so construed as to exempt any property in this territory from execution for clerks', laborers' or mechanics' wages."³⁹

In a later section the master and seaman were given a general first lien on the ship and freightage for their wages. A lien for a seaman's wages or a subsequent lien for material furnished or labor performed was given preference over every other claim.⁴⁰ In the Code of 1877 the law of 1862 was slightly amended. The waiting period before selling the property was reduced from three to two months. The period of advertising the sale was cut from three weeks to ten days.⁴¹

At the same time some minor changes were made in the method to be pursued in executing liens. All claims for labor in the order of their filing were to be given priority over all other claims to either lands or buildings acquired after the commencement of such work or improvement. Even if the work were done on the building of a tenant, should such a renter be dispossessed, such building or improvement might be sold to secure the worker's wages, and this notwithstanding the existence of the mortgage against the land.⁴² However, a mechanic's lien was denied to him who took collateral to protect his contract.

From time to time some of the details of the law were changed. In 1867 a joint or separate lien upon both building, machinery or the land upon which the building stood was made legal. Notice of intention to file a lien was to be recorded with the register of deeds within sixty days of the completion of the work.⁴³ Formerly, the period of registration had been fixed at ninety days.

³⁸ Session Laws, Dakota Territory, 1862, Chapter 54.

³⁹ *Ibid.*, Chapter 37.

⁴⁰ *Ibid.*, 1865, Civil Code, Sections 1684-1700.

⁴¹ Session Laws, Dakota Territory, 1877, Civil Code, Sec. 1814.

⁴² *Ibid.*, Code Civil Procedure, Chapter 31.

⁴³ *Ibid.*, 1867, Chapter 21.

A lien so reported could be collected any time within a year by entering petition in the district court. If more than one lien attached to the property, the plaintiffs could bring a joint action. In case the proceeds proved insufficient to meet the various claims, they were to receive a proportionate share of the proceeds of the sale. Such sale was under no circumstances to wrong any former credit claim. If the defendant gave surety deemed sufficient by the court that he would meet the claims attached to the property he might be released.

The rights of the worker were further protected in 1875 when the period for recording liens was extended from sixty to one hundred and twenty days.⁴⁴ In addition, in order to save the time and expense involved in taking the collection of a lien to the district court, probate courts were given equal jurisdiction where the amount of the lien was one hundred dollars or less. The summons was to include the words, "This action is to enforce a mechanic's lien." If the defendant failed to appear, judgment was rendered and the property sold to satisfy the lien.

In 1877 the justice courts were also given jurisdiction to execute laborers' liens. Because lawmakers sometimes fail to foresee all possible contingencies, it is necessary to make exceptions to general provisions. In the law above it was provided that "every mechanic or other person who shall do any labor upon or furnish any material, machinery, or fixtures for any building shall have a lien on such building or other improvement."⁴⁵ This was made use of by persons various and sundry to sell their wares to such an extent that in 1887 the legislature found it necessary to protect the public by expressly excepting claims for furnishing lightning rods or their improvements.⁴⁶

An amendment stipulating that the subcontractor was to notify the owner of his intention to furnish goods or render services before the same were begun was added in 1881.⁴⁷ The same act extended liens to railway bridges, roadbed, or

⁴⁴ Session Laws, Dakota Territory, 1875, Chapter 18.

⁴⁵ *Ibid.*, 1877, Chapter 32.

⁴⁶ Session Laws, Dakota Territory, 1887, Chapter 99.

⁴⁷ *Ibid.*, 1881, Chapter 94.

right of way. A period of six months was given in which to file such a lien. Only by affidavits or an undertaking guaranteeing payment to the plaintiff upon demand of any judgment against the property of the defendant could the lien be removed.⁴⁸

In 1895 the lien privilege was made to include subcontractors for materials or services to municipal corporations. The statement of such services was to be filed within twenty days with the keeper of the official records of the corporation. The action was to be begun within thirty days from the time the work was performed.⁴⁹

Beginning in 1879 a number of statutes have been passed applying particularly to miners' liens. Their content was largely a restatement of the general law on liens. In 1895 such a lien was made prior and superior to every other lien of the state or of the United States.⁵⁰ An amendment twenty years later made such a lien second to that of the state or that of the United States.⁵¹ The law had previously been modified in 1909.⁵² The requirement that the mine owner or manager post notices of all mortgages or incumbrances lying against the property was a protection only to those who through indifference or ignorance did not sufficiently safeguard their own interests.⁵³

Parallel to these defenses put about the collection of the worker's wage runs a series of laws exempting his pay from attachment. As early as 1862, in an act "exempting property from execution, writ of attachment, or any other final process of court", special reference was made to the tools and instruments of a mechanic. They were to be free from seizure. In addition thereto stock in trade not exceeding two hundred dollars in value was also exempted.⁵⁴

An amendment in 1866 read as follows: "All property hereinafter mentioned shall be exempt from attachment or mesne, process, or levy of prosecution, or any other final process issued by the court." Among other things the tools

⁴⁸ *Ibid.*, Chapter 93.

⁴⁹ Session Laws, South Dakota, 1895, Chapter 133.

⁵⁰ *Ibid.*, Chapter 134.

⁵¹ *Ibid.*, 1915, Chapter 243.

⁵² Session Laws, South Dakota, 1909, Chapter 51.

⁵³ *Ibid.*, 1899, Chapter 114.

⁵⁴ Session Laws, Dakota Territory, 1862, Chapter 37.

and instruments of a mechanic are included.⁵⁵ This was later extended to include wages due for a period of sixty days prior to the execution, if the debtor under oath declared that such wages were necessary for the support of a family.⁵⁶

CHAPTER III

Health, Safety and Morals

The extension of governmental activity into the field of protective legislation for the worker is a modern development. The Mercantilist, for a brief day, advocated much regulation and control of industry. He was succeeded by the *laissez faire* of the classical economist. This principle, too, has been forced to yield to facts. Experience has abundantly proven that such a policy will not work under the factory system. Therefore, acting under the police power, the State has assumed to say not only that the peace must be preserved, but that long hours, unsanitary working conditions, a reckless disregard of the safety of the employee, must stop. More than that, it has undertaken to establish what the wages are to be, and when and how they are to be paid. In short, the State has sought to justify its existence in the light of twentieth century conditions. It has been said, "that governments justify their existence only insofar as they promote the interest of the governed."¹ The workers, constituting an ever-increasing body, are receiving consideration from those in authority.

As has been intimated before, the need for such legislation in this state has not been great. Some early provisions of a vague general nature found their way into the early codes no doubt largely because they are found in the codes of New York and California. Upon these ours were modelled. With the development of mining, a fairly full body of regulations was adopted. Further, to be in line with the wave of railroad baiting that swept over the country between 1905 and 1910, considerable protection was thrown about men em-

⁵⁵ *Ibid.*, 1866, Chapter 8.

⁵⁶ *Ibid.*, 1877, Code of Civil Procedure, Chapter 14.

¹ Willoughby and Rogers, *An Introduction to the Problems of Government*, p. 51.

ployed in transportation. In addition, several laws have for their purpose the protection of the health and morals of women and children. This constitutes roughly the extent of such legislation in this state.

Although not first in point of time, factory and mercantile legislation will be discussed first, next brief mention will be made of the street trades, to be followed by the safeguards for miners and those engaged in transportation. A passing reference to the laws governing steamships will conclude the discussion.

For thirty years no factory legislation was enacted in South Dakota. A number of laws concerning labor in mines and on railroads were passed but nothing more. It was not until 1913 that an act was passed which among other things set forth the "conditions under which women, girls and children should work." Every factory where these persons are employed was to be kept free from effluvia arising from any sewer or drain; to be properly ventilated; equipped with separate toilets for male and female employees. Such toilets were at all times to be kept in a sanitary condition. If the work required a change of clothing, separate dressing rooms were to be provided for the sexes.

The interior of the factory or workroom was to be lime-washed or painted annually. Failure to comply with the law was made a misdemeanor and upon conviction was made punishable by a fine of not less than ten dollars nor more than one hundred, by imprisonment in the county jail for thirty days or by both such fine and imprisonment.² Further, seats were to be supplied in any "mercantile, manufacturing, hotel or restaurant business", where females and children were employed. The employer was to permit the use of them so far as the preservation of health made it necessary.

In Chapter 242 of the 1921 Session Laws a more detailed enumeration of the businesses to come under the operation of the law and a more explicit statement of requirements was made. The law reads: "That every building, room, basement, inclosure or premises, occupied used or maintained as a bakery, confectionery, cannery, bottling works, packing house,

² Session Laws, South Dakota, 1913, Chapter 240.

slaughter house, creamery, cheese factory, restaurant, hotel, grocery, meat market, or as a factory, shop, warehouse and public place or manufacturing establishment used for the preparation, manufacture, packing, storage, sale or distribution of any food as defined by statute, which food is intended for sale, shall be properly and adequately lighted, drained, plumbed, and ventilated, and shall be conducted with strict regard to the influence of such conditions upon the health of the employees, operatives, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced, prepared, manufactured, packed, stored, sold or distributed."

In addition to toilet rooms, adequate as to number and conveniently situated, lavatories were to be supplied. The floors of the toilet rooms were to be cement, wood, brick, or other non-absorbent material. They were to be washed and scoured as often as necessary to keep them clean. Ventilation flues and drain pipes were to be installed. The wash rooms were to be conveniently located near the toilet, supplied with soap, water, and sanitary towels and maintained in sanitary condition. Cuspidors were to be furnished. These were to be emptied and washed daily.

These latter requirements were additions to the previous law. Furthermore, spitting on floors and walks in or near buildings where food was prepared, stored or sold was prohibited. Failure on the part of any operator or employee to wash his hands before beginning work was punishable by a fine not over twenty-five dollars. To sleep in any such rooms or to permit any diseased person to work in any such place was declared unlawful. The owner or manager of any such establishment might require a certificate of health of any worker suspected of having a contagious or infectious disease.³

Although the law ostensibly applied to the manufacturing, sale, or distribution of foods, yet its provisions indirectly contained many safeguards for the health and comfort of the employees in such places.

³ Session Laws, South Dakota, 1921, Chapter 242.

Employment of any person under twenty-one years of age in any capacity in connection with any place where intoxicating liquors were sold sought rather to protect the morals of the young. Violation of the law was declared to be a misdemeanor.⁴ Similar in purpose was the law which forbade the employment of children under fourteen years in street singing, variety theaters, or their use as mendicants, peddlers, or actors. "Any exhibition or vocation injurious to the health or morals or dangerous to the life of such a child" was prohibited. A fine not to exceed one hundred dollars, or imprisonment not to exceed thirty days in the county jail, or both such fine and imprisonment was made the penalty for the first violation of the act. Conviction of a second offense was made punishable by a fine of two hundred dollars or imprisonment in the county jail for a period not to exceed six months.⁵

The foregoing laws are rather for the health and morals of the workers than to prevent serious accident. Mining, on the other hand, is one of the most dangerous occupations, taking a large annual toll of lives to say nothing of lost eyes, arms or limbs. It is no wonder, therefore, that the single largest body of safety requirements is found to pertain to this occupation. Soon after mining began in the Black Hills, the legislature provided for an inspector who by a personal visit was to determine the condition of any mine as to its safety, ventilation, and adequacy of exits.

He was to visit any mine when three persons in writing declared that it was unsafe. This complaint was to set forth as clearly as possible in what respects the mine was dangerous, how long it had been in that condition, whether the superintendent had been notified of this situation, and if not, why not. Upon receiving such a complaint the inspector was to serve a certified copy of it without the names of the complainants upon the superintendent or manager of the mine. As soon as possible he was to visit the mine, and if he found it, from any cause, to be in a dangerous condition, he was to notify the owner, superintendent, or manager in writing, and

⁴ Ibid., 1909, Chapter 247.

⁵ Session Laws, South Dakota, Revised Code, 1903, Chapter 88.

require all necessary changes to be made without delay. In case an action for damage be later begun for an accident resulting from failure to make the changes advised by the inspector, his notice to the manager of the mine "shall be prima facie evidence of culpable negligence" on the part of such owner or manager. In addition, each county in which mining was carried on was to be visited once each year and so far as possible every mine inspected. The inspector was to make any recommendations he considered necessary to insure the safety of the workers.

He was to visit, in so far as possible, the scene of any and all accidents, gather all available evidence and testify at the coroner's inquest. He was to give bond for the faithful performance of his duties and to make an annual report of all fatal and serious accidents, and such statistical matter as might tend to promote the mining industry within the state. Any mine which employed no one save the owners or lessees was not to come under the act.⁶ Several years later, more detailed and specific safety devices were ordered installed. Any shaft more than two hundred feet in depth must be equipped with an iron-bonneted safety cage for lowering and hoisting the workers. The law read in part as follows: "The safety apparatus whether consisting of eccentrics, springs, or other devices must be securely fastened to the cage, and be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. The iron bonnet must be made of boiler sheet iron, of good quality, at least three-sixteenths (3-16) of an inch in thickness and must cover the top of the cage in such a manner as to afford the greatest protection to life and limb from any debris, or anything falling down the shaft."

The owner or manager was to be fined one thousand dollars should he fail to observe these requirements.⁷ A similar law was enacted in Iowa in 1884.⁸ In the same year workers in smelting establishments were given the protection of exhaust fans or dust chambers "to remove gases, fumes, dust, and other impurities." This law was somewhat weak-

⁶ Session Laws, South Dakota, 1890, Chapter 112.

⁷ Session Laws, South Dakota, 1897, Chapter 92.

⁸ Downey, History of Labor Legislation in Iowa, p. 44.

ened by including the words "some other contrivance." Failure to provide "reasonable safeguards for the protection of life and health" was made a misdemeanor punishable by a fine of not more than one thousand dollars nor less than five hundred dollars. Proof that the owner or lessee of any mine had failed to install such required safety appliances was held to be prima facie evidence of negligence on the part of such mine owner, lessee, company, or corporation. The law must have had some real support from those who realized the need and importance of it, for a time limit of ninety days was placed upon the period in which the above appliances were to be installed. This proviso however, carried no penalty.⁹

To permit greater freedom of exit from mines ladder ways in a compartment separate from that in which the cage traveled were required to be installed in a shaft of fifty feet or more. Landings every twelve feet were required. They were to be equipped with good and sufficient platforms, from which inclined ladders were to reach similar platforms both above and below if needed. Failure to put in such ladder ways was made a misdemeanor punishable by a fine of not less than one hundred dollars nor more than three hundred dollars and imprisonment up to three months.¹⁰ In 1903 a considerable body of such laws as above was enacted. A uniform system of bell signals was to be used in all mines for hoisting operations. A code for their use was drawn up. The details are perhaps not particularly important, though several may be mentioned. "One bell, hoist; one bell, stop (if in motion). Two bells, lower men; three bells, hoist men. Four bells, hoisting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly; then one bell, hoist men away from blast", and so forth. Copies of this code were to be posted in conspicuous places in and about the mine.¹¹ Such a system of signals was required by law in Iowa as early as 1874, or nearly thirty years before this state deemed them necessary.¹²

The protection afforded by inspection was extended to employees in stone quarries in 1919, when they were placed

⁹ Downey, History of Labor Legislation in Iowa, Chapter 93.

¹⁰ Session Laws, South Dakota, 1903, Chapter 179.

¹¹ Ibid., Chapter 181.

¹² Downey, History of Labor Legislation in Iowa, p. 43.

under the control of the Inspector of Mines. "Whenever the word 'mine' or 'mines' is used in said sections it shall be construed to include stone quarries."¹³

There is no doubt that the foregoing safety legislation has been beneficial. Although complete statistics for the mining industry in this state prior to 1901 are not available, yet we have at hand the figures for fatal accidents from 1899. Never since 1892 has the total number of fatal accidents reached fifteen, although 1902 witnessed fourteen deaths in mines. Yet in view of the fact that in the latter year three thousand one hundred and fifty men were employed in the industry as against less than one-half that number ten years earlier, a very considerable degree of improvement is shown. The best record to date was made in 1918. In that year only one death was reported and that above ground. In other words, more than two thousand men worked in all levels in all manner of work that mining involves without a single fatality. The figures for accidents for the past seven years are shown in the following table:¹⁴

ACCIDENTS

	1916	1917	1918	1919 ³	1921	1922	1923
Employees	3069	2757	2049	2187	1908	2122	Figures not available
Fatal	6	7	1	5	3	5	
Serious ¹ . .	105	114	102	80	86	104	
Slight ² . . .	683	590	429	338	476	573	

¹ Loss of time more than fourteen days.

² Loss of time from one to fourteen days.

³ For a period of eighteen months, from Jan. 1, 1919, to July 1, 1920.

The table below, made possible through the courtesy of the State Inspector of Mines, shows how South Dakota ranks in the matter of accidents, as compared with a number of other mining states.

¹³ Session Laws, South Dakota, 1919, Chapter 259.

¹⁴ Annual Reports, Inspector of Mines, Years 1916-1922.

COMPARATIVE TABULATION, BY STATES. FATALITIES AND INJURIES PER 1000. 300 DAY WORKERS. TAKEN FROM TABLE 41, TECHNICAL PAPER 354, BUREAU OF MINES.

State	No. killed per 1000 300 day workers			No. injured per 1000 300 day workers		
	Tot. 5 yrs 1917-21	1921	1922	Tot. 5 yrs 1917-21	1921	1922
S. Dak. . .	2.18	.54	2.72	313.18	352.97	326.46
Arizona . .	3.70	4.12	2.58	414.32	326.95	363.36
Idaho . . .	3.34	3.20	2.75	232.61	297.51	293.27
Nevada . .	4.13	2.64	3.30	154.54	188.31	245.79
Calif. . . .	4.42	3.78	12.60	282.10	292.29	275.11
Colo.	5.57	4.59	4.42	138.45	224.09	145.09
Montana .	6.18	2.53	3.24	233.78	168.19	252.56

Another occupation that has caused many deaths and accidents is railroad transportation. In its infancy before the mechanical equipment had reached its present day efficiency, the number of injuries ran into the thousands. The old style link and pin couplers, overhead obstructions, long hours, insufficient hand rails and grab irons, were responsible for tremendous losses. The old-fashioned coupler caused nearly half of all accidents on railways in 1890. Twenty years later, when 99 per cent of all cars were equipped with automatic couplings, the figure was reduced to 8 per cent.¹⁵

As in other fields of labor legislation, so here the federal government has led the way. This is due largely to the interstate character of railroad transportation. Few systems or even trains begin or end their journey wholly within a single state. For the most part they enter several jurisdictions. A variety of laws and regulations would entail endless confusion. In fact, experts on railway transportation advocate federal incorporation in order to escape from the many vexatious distinctions and requirements met with in crossing state lines.

¹⁵ Andrews, Labor Problems and Labor Legislation, p. 76.

But because this has not yet taken place, and because some trains are subject wholly to intra-state regulation, South Dakota has enacted more or less protective legislation. In 1877 failure to ring a bell or blow a steam whistle at every grade crossing was punishable by a fine of fifty dollars or imprisonment in the county jail for sixty days. Being intoxicated while on duty was a misdemeanor for an engineer or conductor. Carelessness or neglect on the part of any employee of railway transportation was also held to be a misdemeanor.¹⁶ To be sure, these measures were intended primarily to protect the traveling public, and yet the trainmen benefited to the extent that the law was enforced.

The annual report to the stockholders was to include a statement of the number of persons killed or injured and to specify whether passengers or employees. The causes for the accident were to be set forth; whether due to the negligence or carelessness of any employee, and whether such workers continued in the employ of the company.¹⁷ In 1885 a Board of Railroad Commissioners was established. One of the duties of this body was to investigate and report on the conduct and management of the railroad with reference to its safety.¹⁸ Further than strengthening this body, the better to make the railroad amenable to the will of the people, little legislation was passed for twenty years. For protection the workers had to look either to the common law or to the federal government.

In 1893 the Interstate Commerce Commission was given authority over the railroads. They issued a number of regulations having to do with the safety of the railroad workers. Automatic couplers, power brakes, grab irons and hand rails and other safety appliances were required by federal statute. But it was not until 1907 that the legislatures became very active in enacting similar legislation. A small avalanche of remedial laws date from that year. First, the common law defense of contributory negligence was swept aside. Contributory negligence was not to bar recovery of damages for accidents but it might lessen the amount. Every common carrier

¹⁶ Session Laws, Dakota Territory, 1877, Penal Code, Section 463-468.

¹⁷ Session Laws, Dakota Territory, 1879, Chap. 46, Section 22.

¹⁸ *Ibid.*, 1885, Chap. 126.

was held liable to its employees, or in case of death to his heirs for all damages resulting from "any defect, insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works."

It was also stipulated that no contract or employment, insurance relief benefit, or indemnity for injury or death should in any way prevent an action for damages. But if the carrier in question had made any contribution to an injured workman, the amount was to be deducted from the damages awarded. Such an action, however, had to be brought within two years from the time of the accident, or the employee lost his rights under the law.¹⁹ Such legislation was not confined to South Dakota. In Iowa many regulatory measures were passed at the sessions of 1907, 1909, and 1911. Laws concerning the hours of trainmen, overhead obstructions, head lights for switch engines, guard rails, hand rails, hand brakes and sets for caboose cars, and semi-monthly payment of wages were all enacted during this period.²⁰

Law-making bodies seem to yield to strange influences. In no other way can the apparent inconsistencies of legislatures be explained. For instance, the law respecting the abolition of contributory negligence found its way on the statute books of Iowa in 1909, two years after similar legislation had been passed in this state. On the other hand, the common law defense of assumed risk was removed by statute in the former state in 1907, whereas South Dakota nullified this relic of the English law two years later.²¹

In that year a law was passed providing that if an employer knew of any defect or danger which resulted in death or injury and informed the proper authority or official of this fact, he was not held to have assumed the risk. Furthermore, if the manager or superior was aware of such defect or danger such notice was not necessary. The carrier was liable to the injured workman or his personal representative for damages.²²

These two laws were embodied in a single statute in 1911. Interstate Commerce was specifically exempted in the

¹⁹ Session Laws, South Dakota, 1907, Chapter 219.

²⁰ Briggs, Social Legislation in Iowa, p. 262-266.

²¹ Session Laws, South Dakota, 1909, Chapter 117.

²² Briggs, Social Legislation in Iowa, p. 270-271.

words, "...this Act shall apply and extend to every common carrier by railroad while engaging in intra-state commerce as distinguished from inter-state commerce." This lessened the danger of unconstitutionality. The liability of the company was made more complete than in the former law. Notice to the employer was no longer required. An action would lie if the accident resulted from a violation by the carrier of any law enacted for the safety of employees. Just how a carrier could be convicted of the violation of any regulation concerning safety appliances in the absence of such a statute by the state legislature is difficult to explain, the Federal statute being manifestly inapplicable. This apparent contradiction might be excused because the vast majority of transportation was and is interstate in character.²³

In the same year telephone companies, express companies, and any corporation engaged in receiving, delivering, storing, and handling of property were brought under the operation of the law. Street railways were alone excepted. The Railroad Commission was to notify the common carrier when any bridge, line wire, facility or structure was deemed unsafe. Upon receiving such notice the carrier was to repair, renew, or replace such defective part as the Commission should direct. Requiring suitable platforms and stations, and keeping depots warm, lighted, and open, was rather for the safety and convenience of the public than to help railway trainmen.²⁴ Perhaps both the public and railway employees were considered in the order for the placing of switch lights on main track siding. These were to function from dark until daylight under the penalty of fines ranging from one hundred to one thousand dollars. Actions for violations of this act might be begun either by the attorney-general or by the states attorney of the county through which the offending railroad passed.²⁵

Caboose cars next came in for attention. The state made certain requirements respecting caboose cars. They were to be twenty-four feet long, exclusive of platforms, equipped with two four-wheeled trucks, equal in strength to 60,000 pound

²³ Session Laws, South Dakota, 1911, Chapter 206.

²⁴ *Ibid.*, Chapter 207.

²⁵ *Ibid.*, 1909, Chapter 212.

freight cars, have a door at each end and a platform across each end. This platform was not to be less than twenty-four inches in width. Proper guard rails with grab irons and steps had to be furnished. Steps were to be made safe with a rod and board at each end and at the back to prevent slipping. Further the caboose was to be supplied with a cupola, necessary closets and windows. Combination passenger coaches and stockmen's coaches used as a substitute for a caboose were not to come under the law. Further, these provisions were required only on standard gauge roads. In case of accident, trains might proceed to the next division point without violating the law.

A period of one year was given the carrier to comply with the law. Fines of not less than one hundred dollars nor more than five hundred dollars were to be collected upon conviction of violation. The use of any caboose car for any one day or part of a day unless so equipped constituted a separate offense. Actions under the law could be brought by the attorney-general or states attorney in the county through which such a car was carried. All fines were to be paid into the treasury of the county where the action was begun.²⁶

The same legislature passed an act requiring that all locomotives be supplied with electric headlights of 1500 candle power. This strength was to be secured without the use of a reflector. Ten per cent of the locomotives of any system were to be equipped within thirty days and an additional ten per cent every thirty days thereafter. Failure to comply with the law made the carrier liable to fines ranging from one hundred to one thousand dollars. The attorney-general was to bring the action and all money so collected was to be paid into the treasury of the state.²⁷

In 1917 the Railroad Commission was instructed to order the railroads to have suitable and proper electric or gas lights in all station houses and platforms when such could be conveniently secured. This requirement was a particular benefit to the traveling public, yet it did result in convenience to train and station employees.²⁸

²⁶ Session Laws, South Dakota, 1911, Chapter 208.

²⁷ Session Laws, South Dakota, 1911, Chapter 213.

²⁸ Ibid., 1917, Chapter 322.

Before railroad transportation came in, the Missouri River connected South Dakota with the outside world. It was, in part at least, due to river traffic that some provisions governing the operation of steamships were embodied in the early laws. In 1877 it was made a serious offence to overload a ship or race with another in such a way as to run the danger of explosion of the boiler.

If, as the result of such carelessness, death resulted, the captain was deemed guilty of manslaughter in the second degree. If, however, life was only endangered, the offence was held to be a misdemeanor.²⁹ It was also a misdemeanor for anyone to pilot a ship anywhere in the territory without a license. Such piloting was limited to steamboats on the Missouri River and thus did have some little local application.³⁰ It is safe to conclude that these measures were intended primarily for the safety of the passengers, rather than the protection of the crew. However, the law did say that if any seaman became incapacitated through illness or injury without his fault, he was to be supplied with proper medical attention, furnished the necessary medicine, and all other needs for his wants, at the expense of the ship.³¹

Navigation has steadily declined in importance. Furthermore, owing to the interstate character of shipping upon navigable rivers, and even ferries between states, the legislature has concerned itself very little with the men employed therein. This is attested by the failure of recent legislatures to add to the existing legislation.

CHAPTER IV

Social Insurance

Not until the passage of the Workmen's Compensation Act in 1917 was any general attempt made to protect the workingman. Early legislators did very little more than accept the common law principles of assumption of risk, fellow-servant rule, and contributory negligence. The Civil Code of 1865 contains section 1006 which reads as follows: "An

²⁹ Session Laws, Dakota Territory, Chapter 37, Sections 408-409, 1877.

³⁰ Ibid., 1877, Chapter 38, Sections 443, 444.

³¹ Session Laws, Dakota Territory, 1877, Civil Code, Section 1074.

employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless he has neglected to use ordinary care in the selection of the culpable employee."¹ Thus any losses caused through failure on the part of the employer to exercise ordinary care entitled the employee to the recovery of damages.

It is true that the principles of contributory negligence and of assumed risk were done away with prior to 1917. Yet these laws were limited to employees of common carriers. Nor could the carriers secure exemption from liability under the law by claiming special rules of contracts. All such rules and agreements were held to be void.

The reason the State has been so backward in changing the common law interpretation has been discussed elsewhere. The conservative attitude of the courts, the American philosophy of individualism, and the opposition of the labor unions all tended to continue the policy of laissez faire. However, the leaven of a new theory and attitude was slowly but surely working. This eventually made itself felt. Today labor legislation is accepted quite as a matter of course.

Watkins says: "The function of law in relation to labor may be summed up in two words. Protection and Improvement."² The need for protection arose from the fact that self-interest was the dominating motive in industry. Exploitation naturally resulted because labor was weaker than capital. The weaker member suffered injustices which the State sought to remove.

The industrial revolution has come to stay. Today neither the guild nor the domestic system would suffice. Therefore, the dangers of modern industry can only be minimized, not entirely removed. To soften the effect of the inevitable accidents and deaths that will come society has assumed some of the burden by placing it upon industry as a whole rather than permitting the unfortunate worker to bear it alone.

¹ Session Laws, Dakota Territory, 1865, Civil Code, Section 1006.

² Watkins, *An Introduction to the Study of Labor Problems*, p. 592.

The one method almost universally adopted to distribute the loss was social insurance. The individual would or could not insure himself and family against accidents, illness, unemployment, or old age. "Collective action has been found necessary if insurance is to become general."³ When capital was called upon directly to bear part of the cost, self-interest also operated in favor of safety devices. This materially reduced the number of industrial accidents.

Various forms of social insurance are in existence in Europe, but here only workmen's compensation for accidents has found general acceptance. Andrews suggests that this is due to the fact that an accident arrests the attention and the responsibility therefore may be fixed.⁴

Before the passage of the Compensation Act, payment for suffering injury, unemployment, and medical fees could be secured only by a suit at law. Labor found this unsatisfactory for a number of reasons. Often the worker was unable to begin such a suit through lack of funds. He feared discharge from present employment. The employer set up the common law defenses. Insurance companies engaged expert legal talent to defeat the claims of the injured worker with the result that often the major portion of the sum recovered was needed to defray the cost of the action to say nothing of the payments being delayed until after the acute need had passed.⁵

In view of the failure of the law to protect the worker it seems strange that it was not until the second decade of this century that protective legislation was enacted, especially after Europe had shown the beneficial effects of such legislation.

"In 1911 the first State Compensation Act to go into permanent effect was secured in New Jersey."⁶ Since that time the movement has spread rapidly until today only seven jurisdictions, namely, Missouri, Arkansas, Mississippi, Florida, North and South Carolina, and the District of Columbia have

³ Andrews, *Labor Problems and Labor Legislation*, p. 110.

⁴ Andrews, *Labor Problems and Labor Legislation*, p. 111.

⁵ *Ibid.*, p. 112 and 113.

⁶ *Ibid.*, p. 113.

⁷ American Association for Labor Legislation, Leaflet No. 14.

no such legislation.⁷ These laws differ in a number of respects, some of which are of minor importance.

In this State the law applies to every employer and employee except, first, "to an employee whose employment is not in the usual course of trade, business, profession or occupation of the employer; to farm laborers; to domestic servants nor to the employers of such persons; provided that such employers may place themselves under the provisions of the Workmen's Compensation Law by voluntarily insuring their risks under such law, and their employees shall have the right of rejection of such provisions if they so desire."⁸ Employees engaged in interstate or foreign commerce and their employers are also exempted from the operation of the law. But the State, municipal corporations and every political division of the State and their employees do come under the law.⁹

Although all employers and employees except the classes enumerated above are expected to place themselves subject to the operation of the law, they are not compelled to do so. In order to lessen the danger of unconstitutionality the employer is given the option of electing not to operate under the act. However, if he chooses to stay outside of the law, he is denied the common law defenses. Likewise, if the employee rejects the protection of the act, he cannot escape the common law defenses, thereby greatly lessening the probability of a successful action.¹⁰

To guard against the abuse of the protection afforded by the law no compensation is due for any injury or death resulting from the misconduct, self-inflicted injury, intoxication, or refusal to use the safety appliances furnished by the employer. However, the burden of proof of such gross negligence rests upon the employer.

At times some one apart from the immediate employer may be liable for the action. In that case the worker may claim compensation either from his employer or such responsible third party but in no case can he collect double damages. In case the employer has made compensation for the

⁷ Session Laws, South Dakota, 1917, Chapter 376, Section 8.

⁸ Ibid., 1917, Chapter 376, Section 16 and 17.

¹⁰ Ibid., Sections 9 and 10.

injury, he may proceed against the third party to recover such compensation paid his employee.¹¹

Likewise, if an accident occurs to anyone working for a sub-contractor, such intermediary is immediately liable, but he may recover from his principal. An action against the intermediary is not a bar to collection of damages from the principal, providing, however, that in no case can the worker recover double damages.¹²

The law places several safe-guards around the compensation to the employee. To begin with, he cannot invalidate his rights under the law by any contract or agreement entered into with the employer. Secondly, claims to compensation are given the status of wages in the matter of preference. Such claims are not assignable and are exempt from all creditor's claims.¹³

To still further protect the worker the law follows him even outside of the State. But no action can be brought for injuries suffered before July 1, 1917. In case of injury the law requires that the employee at once give written notice of the accident to his employer. Failure to give such notice either by the person injured or his representative forfeits all claims for medical attendance or compensation unless the employer has had notice of such accident or the worker has been prevented from giving such notice through incapacity or because of the fraud of a third person. No compensation is payable unless notice of the injury is made within thirty days of the accident unless the reason for such failure to report is acceptable to the Industrial Commissioner.¹⁴

This notice must contain the following information: (a) the name and address of the employee; (b) the time, place, nature, and cause of the injury; (c) the signature of the employee or his representative. Mistakes in the statement do not prevent recovery of compensation. The statement must be served in the same manner as any legal notice. Failure to make a claim for compensation for one year from

¹¹ Session Laws, South Dakota, 1917, Chapter 376, Section 11.

¹² Ibid., Section 12.

¹³ Ibid., Sections 13, 14, 15.

¹⁴ Session Laws, South Dakota, 1917, Chapter 376, Sections 20, 18.

the date of the accident or one year from death resulting from any accident forever outlaws such a claim.¹⁵

The law then proceeds to set out at length how the payments are to be computed. A complete schedule of compensation for injuries ranging from accidents which result in enforced idleness for only a day to the loss of a limb or even life itself is drawn up. In case of death the surviving widow, were she living with or dependent for support upon the deceased, or the children are entitled to receive four times the annual wages of the worker. However, such sum is to be not less than one thousand six hundred and fifty dollars nor more than three thousand dollars. All expenses other than those for medical or surgical attention are to be deducted from the sum. The same provisions apply if the worker leaves a parent, grandparent, brothers or sisters who are dependent upon him for support at the time of the accident.

If collateral heirs only are dependent upon the wages of the laborer, then compensation to the amount of the support the worker contributed to such dependents for two years preceding is due under the law. If there be no surviving, immediate, or collateral dependent relatives, the employer is liable only for the burial expenses not to exceed one hundred and fifty dollars. If compensation is due, it is to be paid in sums equal to one half of the average earnings at the same intervals at which the wages had formerly been paid. The law further stipulates that such payments may be made weekly. Also that compensation may be made in a lump sum.

All payments to the widow stop upon her remarriage. In that case the unpaid balance of the compensation due goes to the other dependents. The death of any beneficiary releases the employer from further payments to such dependent of the deceased employee. The law, as first passed, made no distinction between widows living here or abroad. In 1919 residence in the United States was required before compensation could be received.¹⁶ At this time this limitation seems to have been removed.¹⁷ The legislature in 1917 fixed the amount of medical and surgical fees for which the employer

¹⁵ *Ibid.*, Sections 20, 21, 22.

¹⁶ Session Laws, South Dakota, 1919, Chapter 363.

¹⁷ Bulletin No. 332, U. S. Bureau of Labor Statistics, p. 12.

was liable at one hundred dollars. Nor could he be held liable for such treatment beyond a period of four weeks. Two years later this was raised to a maximum of one hundred fifty dollars during the period of twelve weeks.¹⁸

The law as first drafted provided for no compensation for any injury resulting in unemployment of two weeks or less. For a greater period the employee was entitled to fifty per cent of his weekly wages with twelve dollars as a maximum. The minimum was placed at six dollars per week unless the actual wage received was less than that amount. If so, the compensation was to be the same as the wages had been.

In 1918 Governor Norbeck recommended a number of changes in the law. A maximum of two hundred dollars for medical treatment was asked. The hospital service was to be for ten weeks or until recovery was complete. The period of waiting until compensation was due was to be reduced, since the majority of accidents result in absence from work for a day or two only or at most for ten days.¹⁹

In 1919 this was accomplished. The period of waiting was reduced to ten days. But in case a physician certified that the accident had resulted in unemployment for a period of six weeks or more, compensation was to begin from the date of injury. The payments were also increased. The injured worker was to receive fifty-five per cent of his weekly wages with a minimum of six dollars and a half. The maximum of twelve dollars a week remained unchanged. In 1921 these figures were changed to seven dollars and a half and fifteen dollars respectively.²⁰

For permanent disability to hand, head or face the law provided payment equal in amount to one half the amount paid for death. For partial disability the worker was to receive one half the difference of his average earnings before disability and that received after the injury. The worker was required to give notice of such partial disability within eighteen months from the date it was sustained.

The law then enumerated in great detail the scale of payments to be made for injuries ranging from the loss of

¹⁸ Session Laws, South Dakota, 1919, Chapter 363.

¹⁹ Report of the Industrial Commissioner, 1919, p. 4, 5 and 12.

²⁰ Session Laws, South Dakota, 1921, Chapter 419.

a finger to sight itself. As enacted in 1917 compensation up to fifty per cent of the weekly earnings for periods ranging from ten weeks in case of the loss of one or more toes to two hundred weeks for the loss of a hand was guaranteed. This was increased five per cent two years later. The loss of both hands, arms, feet, legs, or eyes, or any two of them was considered total permanent disability to be paid for by sums not less than seven and a half nor more than fifteen dollars per week until the aggregate amount equals the amount payable for death,—that is, not less than \$1650 nor more than \$3000. In passing we might add that the maximum compensation of \$3000 is paid in a very large per cent of accidents that result fatally.²¹

If death should result from total disability before the maximum amount has been paid in weekly installments, any difference between the aggregate of the payments made and the compensation agreed upon for such disability becomes due and payable to the widow, children, or other lineal heirs. Only in case of complete disability shall any weekly payments be made for a period longer than six years.²²

If the employer or beneficiary desires that compensation be made in a lump sum and can secure the assent of the Industrial Commissioner to such an arrangement that official may so order, if neither party expresses his dissent from such lump sum payment in writing in ten days. Compensation paid in one sum shall equal the aggregate amount due less a discount computed at five per cent for the periods of waiting.

The employee's annual earnings for the preceding year constitute the basis for determining the periodic payments. It is to be an average wage paid other men in the same grade of employment. It is estimated on the basis of no absences for illness or other unavoidable causes. If the employment is fairly constant throughout the year, it is to be estimated at three hundred times the daily wage. If the occupation is seasonable in character, the wages are to be computed at less than three hundred times the daily wage, but not less than two hundred times such daily wage. Such a day's earnings

²¹ Report of the Industrial Commissioner, 1923, p. 5.

²² Session Laws, South Dakota, 1919, Chapter 363.

may not include over-time or extra wages, but must be for a normal day in that trade or occupation.

The law further provides that the employer may require the injured worker to submit to a medical examination at the time of the accident, again within a week and every four weeks thereafter. The employee is entitled to the presence of a second physician at such examinations to protect his interests.²³ In case the workman refuses to submit to medical examinations, he forfeits the payment of compensation to himself.

The law has been in operation for six years. A statistical table shows the number of accidents both fatal and otherwise for each year with settlements of the same. Cost of medical attention and compensation payments are also shown.

TABLE NO. 1. STATISTICAL TABLE²⁴

Year	Deaths	Accidents	Closed	Pending
1918	20	1770	1560	210
1919	22	1668	1395	273
1920	21	2251	1845	406
1921	23	2724	2221	503
1922	25	3282	2730	503
1923	18	3473	.....	803

TABLE NO. 2. FINANCIAL STATISTICS²⁴

Year	Medical	Compensation	Total	Administration
1918 ...	\$ 24,925.94	\$ 43,656.23	\$ 68,582.17	\$4000
1919 ...	17,715.57	48,736.74	66,452.31	4000
1920 ...	33,563.72	89,717.90	123,281.62	5000
1921 ...	41,125.12	91,519.10	132,644.22	5000
1922 ...	70,692.21	180,646.19	251,338.40	5660
1923 ...	65,991.90	167,594.92	233,586.82	5860

²³ Session Laws, South Dakota, 1917, Chapter 376, Section 28.

²⁴ Reports of Industrial Commissioner.

COMPARATIVE TABLE²⁵

State	Maximum Comp.	Weekly Comp.	Waiting Period Days	Per cent of Wages	Max. Age Children	Funeral Costs	Medical Costs
Illinois .	\$4250	\$10 ½-17	6	65	16		\$200
Mich. . .	7000	4 -10	14	50		\$200	
Minn. . .	7500	8 -18	7	66 2-3	16	150	100
N. York. .		8 -20	14	66 2-3	18	100	100
S. Dak. . .	3000	7 ½-15	10	55		150	150
Wyo. . . .	4000	11 ½-22 ½	7		16	100	200
Iowa . . .	2350 ¹	6 -15	14	50			100
U. S. ² . .		7 ½-15	3	66 2-3		100	

¹ Average compensation for death.² Data for 1917.

It is the intent of the law that the employer shall insure his risk in any reliable insurance company whether it be a mutual or stock company. Such a company, however, must be approved by the Commissioner of Insurance. All such insurance companies are prohibited by law from paying a commission greater than fifteen per cent of the premium.²⁶

Any plan of compensation or insurance entered into by an employer or employee prior to the passage of this act may remain in force if approved by the Industrial Commissioner, or until the employee serves notice that he intends to withdraw from this arrangement. If approved by the Commissioner, he issues a certificate authorizing the agreement.

The employer is exempted from insuring his risks, if he gives good and sufficient guaranty of his ability to pay any losses accruing under the compensation act. Or he may deposit with the Commissioner of Insurance security that he will meet such payments when they are due. The purpose of this requirement is to protect the employee against loss when injured; for even though he secures a judgment against his employer, if the latter is "judgment proof" the purpose of the law is defeated.

²⁵ Bulletin No. 332, U. S. Bureau of Labor Statistics, p. 4-13.²⁶ Session Laws, South Dakota, 1917, Chapter 376, Sect. 46-48.

Although the law specifically exempts farm labor from its operation, yet the legislature in 1923 permitted employers of such labor to carry insurance both for themselves and their employees. This is now being done by an evergrowing number of farmers.²⁷ It has also been extended to executive officers of corporations who perform labor incidental to their occupations. The wage value of such labor is to be determined and added to the valuation of the payrolls on which the premiums are to be computed.²⁸

Though not strictly labor legislation, mothers' pensions are usually included in any consideration of labor laws. Laws providing pensions are grouped under protective legislation because they seek to conserve social interests. The principal object of such legislation is to maintain the home and prevent child labor. Whenever the mother's status is such that without this aid she will be compelled to seek work outside of the home and thus have to leave her children either at home uncared for, uncontrolled, and unprotected, or entrust them to some third party or institution, she becomes eligible to a pension. Either is bad for the education and rearing of the young. Therefore the State gives aid presumably sufficient to permit the mother to remain at home where she may watch over, instruct, and train her children.

Although lagging behind in some of the forms of social insurance such as old age and unemployment insurance, the United States stands in the front rank of those advocating and paying mothers' pensions. Only eight states, Alabama, Georgia, Kentucky, Mississippi, New Mexico, North and South Carolina, and Rhode Island have no such laws.²⁹

South Dakota was among the first to enact such legislation. Various forms of assistance to children, especially orphans, were found prior to 1915. Some of this help came in the way of cash contributions to institutions, free textbooks, and clothing. The principle was stimulated by the "White House Conference on the Care of Dependent Children in 1919".³⁰ As a result twenty-seven states were con-

²⁷ Report of Industrial Commissioner, 1923, p. 5.

²⁸ Session Laws, South Dakota, 1923, Chapter 210.

²⁹ Watkins, Introduction to Study of Labor Problems, p. 635.

³⁰ Bulletin No. 63, U. S. Bureau of Labor Statistics, p. 8.

sidering mothers' pensions in 1913, South Dakota was included among them.

The preamble reads as follows: "An Act entitled, An Act to Provide for the partial support of women whose husbands are dead, permanently disabled, or prisoners when such women are poor and mothers of children and empowering the County Court to make such allowance, prescribing the conditions under which such allowance shall be made and the extent thereof, and authorizing, empowering, and making it the duty of the County Commissioners to provide a fund for the carrying out of the provisions of this act, and for the revocation of any order made for such allowance and an appeal for such order, and providing a penalty for attempting to obtain an allowance for persons not entitled to the same."³¹

As the law plainly states the aid was limited to widows, or to those women whose husbands were permanently disabled, or were prisoners, when they are poor and have dependent children under fourteen years of age. To all such is the county court authorized to extend aid. A wife receiving a prisoner's wages was not entitled to assistance. In Colorado the aid was given to any indigent parent or person. In Florida any female who is responsible for the care of a child was included. In a number of the states only widows were under the law but in most cases, if the husbands were prisoners or insane or feeble-minded or suffering from any total incapacity whether physical or mental, their wives also received pension.³²

Legal residence was required in 1915.³³ Two years later a further change was made. The mother must have been divorced for one year and have resided in the State one year and in the county six months.³⁴ To secure aid the mother submitted a certified petition. The pension was allowed on the following conditions. The child must be living with the mother. Without the aid the mother would be required to work away from home, but with it she would be able to remain at home, with the possible exception of one day each

³¹ Session Laws, South Dakota, 1913, Chapter 275.

³² Bulletin No. 63, U. S. Bureau of Labor Statistics, p. 12.

³³ Session Laws, South Dakota, 1915, Chapter 251.

³⁴ Session Laws, South Dakota, 1917, Chapter 300.

week. Her character must be good. The aid must be necessary to save the home. A competent officer was to investigate the mother and the home and submit a written report of his findings.

Payments cease in this state when the child reaches fourteen years of age. This was changed to sixteen years in 1919.³⁵

In the matter of allowances a great disparity was found. The law first provided payments of fifteen dollars per month for the first child and seven dollars per month for other children. Feeling that the allowance as granted at first was insufficient, South Dakota in 1921 increased the payments to twenty-two dollars and a half a month for the oldest child and ten dollars for every other one. This rate compared favorably with the more generous states paying mothers' pensions.³⁶

Nor do the various states agree concerning the unit which is to furnish the funds. The legislature authorized the county court to make the allowance. The commissioners were directed to levy a tax of one-tenth of a mill upon all taxable property. The county treasurer paid the pension at the order of the judge of the county court. If the funds so derived proved insufficient to meet the pensions granted, the judge used his discretion as to the most needy and most worthy cases. It was soon found that the levy did not produce sufficient revenue. To correct this the legislature in 1917 increased the levy to one-sixth of a mill. Four years later when the scale of payments was increased, the levy was raised to one-half a mill.³⁷

Thus each county maintained its own dependent mothers. This practice was not universal. As shown later California supplies one-half the money needed. Connecticut, Massachusetts, Minnesota, and Wisconsin pay a third of the cost. Maryland, New Hampshire, and New Jersey bear the cost of administration.

Some minor provisions of the law remain to be noted. A wife receiving prisoner's wages sufficient to support her-

³⁵ Ibid., 1919, Chapter 263.

³⁶ Ibid., 1921, Chapter 291.

³⁷ Session Laws, South Dakota, 1917, Chapter 300.

self and family was denied a pension. Anyone illegally claiming such assistance was upon conviction fined not less than five nor more than fifty dollars or imprisonment in the county jail thirty days or punished by both such fine and imprisonment. The maximum fine for a similar offense elsewhere was placed as high as five hundred dollars with a jail sentence up to one year.

Every session of the legislature since the law was first enacted has made changes in the measure. Some of these are of minor importance. Yet it is evident that law-makers are not agreed, either on the real purpose of such legislation, or how that objective may be best realized. This difficulty is not confined to South Dakota.

The fact that the assistance granted is insufficient is obvious. No mother can properly maintain a home, feed, clothe and educate a child on the sum that the state allows. The item of rent alone nearly uses up all the allowance for the first child. Ten dollars will not buy much food and clothing each month for a family of three. To be sure the pension is intended not to support but to merely assist in the support of children dependent upon a bread-winning mother.

Administration is also at fault. Many mothers entitled to the aid do not receive it. This will be discussed elsewhere. Suffice it to say that it has not yet been fully determined whether the assistance provided by mothers' pensions really lies within the sphere of governmental activity or belongs more properly to the field of individual action. When this question has once been fully answered, society will exert greater efforts to make it more nearly universal and adequate. The tendency toward greater social control is unmistakable. It is therefore only a matter of time, perhaps even within the life of the present generation that the present uncertainties and shortcomings will be overcome.

CHAPTER V

Labor Statistics and Employment.

Laws have been passed from time to time having but little relation to labor. This was usually indirect, however, for the legislators clearly had several purposes in mind, with

the result that none were accomplished. The laws thus became mere clogs on the statute books. Such measures have been for the most part either short-lived or abortive. The law-makers either lacked a definite purpose in framing the act, failed to make it sufficiently specific, or there was no real need for the measure.

It would no doubt be an interesting study of motives and psychology to trace to ultimate sources the origins of laws. Some are so much dust for the unthinking; others expressions of self-esteem or misplaced enterprise; still others responses to the innate desire to conform. In this category the law creating the Bureau of Labor Statistics might be placed. A commissioner was to be elected for a two-year period, who was to collect, sort, and systematize statistics relating to labor. His findings were to be included in a biennial report to the governor sixty days before the meeting of the legislature.

This report was to contain information relative to the "commercial, industrial, social, and sanitary condition of the working people and to the productive industries of the state." The commissioner was given the power to summon witnesses, to inspect shops, factories, elevators, and warehouses. He might receive information either by circular letter or personal visits. Failure to supply such information or denial of the right to visit any place of business was punishable by a fine ranging from fifty to five hundred dollars.

One might without too much temerity venture to assert that the industrial activity in South Dakota in 1890 was neither extensive nor involved. Yet someone, even at that early day, was alive to the need of martialing the data concerning business enterprises in the state. To this end was the Bureau created, a Commissioner appointed, and voted a salary of one thousand dollars a year and expenses.¹ To journey from Sioux Falls to Deadwood, or from Aberdeen to Yankton would no doubt constitute the major duty of the Commissioner. If too much time were needlessly occupied while so engaged, he was subject to removal by the Governor.

For 1891 and 1892 this official was voted three hundred

¹ Session Laws, South Dakota, 1890, Chapter 33.

and fifteen dollars for expenses. This amount grew to six hundred dollars the next year and six hundred and twenty-five in 1894. Then, strange to relate, the expense account shrank to one hundred dollars for the two following years. But even before the expiration of the sixth year, the urgent need for the statute seemed to have disappeared, for in 1895 the Bureau was abolished. The incumbent, however, was permitted to complete the term for which he had been elected.²

Somewhat earlier in the same year to the duties of the Commissioner of Labor Statistics there was added supervision of the census. He was to prepare schedules and transmit them to the county auditors. The enumeration was to be by sex, age, and nationality.³ No doubt when the office was abolished this work was assigned elsewhere.

Somewhat similar in purpose was the act of 1913, the introduction of which reads as follows: "An Act entitled, an act to establish a State Bureau of Information: (For the Purpose of Enabling the People of South Dakota to enjoy the Benefit of Organized Information Relative to the Employment of Labor and the Buying and Selling of Live Stock and Grains and Seeds and more Important Items of Farm Produce.)" It was to be known as a Bureau of Information, in charge of the State Board of Agriculture. The Secretary of this Board was appointed commissioner of information.

The purpose of the bureau was a grandiose one. It was not limited to gathering data only, but "to vitalize the operation of the natural law of supply and demand." To facilitate the work of the bureau, the register of deeds was made local commissioner for each county. He kept an employment book for listing the names of those seeking work, as well as employers of labor. The number of the applications, the name, residence, kind of work wanted, present and former employment, experience, wages wanted, when ready to begin work, age, height, weight, nationality, marital condition, references, and date of registering were all to be included.

Likewise the portion of the compendium devoted to the employer listed the name, address, nature of employment, na-

² Ibid., 1895, Chapter 130.

³ Session Laws, South Dakota, 1895, Chapter 34.

tionality preferred, age preferred, married or single, term of employment, experience necessary, salary offered, by day, week or month, time of beginning employment, references required, hours of labor, Sunday work, and lastly date of registering. No salary was attached to the office, but an expense account was allowed.⁴

It is probable that had the state had an unemployment problem, the means provided by the act might have been effective in lessening it. But in view of the fact that South Dakota is not an industrial state, and that with the exception of certain unclassified day laborers, unemployment seldom becomes acute, it is probable that for the most part the machinery for carrying out the law was not even set up.

At all events it was repealed at the following session of the legislature.⁵ Thus not even an opportunity for testing the success of the measure was afforded. This no doubt was partly due to the nature of the law. As an agency for bringing the employer and employee together it was hampered by the many foreign provisions that it contained. The preamble, and section 3 showed that animal husbandry, agronomy, marketing and the economic law of supply and demand were given prominence. It was a measure primarily in the interest of agriculture, with labor and industry only incidentally mentioned.

Arising from quite a different situation was the demand for a public employment office in 1920. Expansion caused by inflation of credits resulted in a hectic condition of industry so that all normal requirements and movements were swept aside. To meet this unusual situation, the state felt called upon to do something, and hence free public employment offices were established at convenient centers throughout the state. The Commissioner of Immigration was made principal executive officer with authority to appoint local agents. Reasonable expenditures for clerk hire, literature, books and records were authorized.

The machinery set up aimed to facilitate the movement of labor. To bring the man and the job together, to prevent

⁴ Session Laws, South Dakota, 1917, Chapter 117.

⁵ Ibid., 1915, Chapter 282.

congestion of labor in one section and to avoid scarcity in another was planned. Both employees and employers were to make their wants known by registering at the same office. These were forwarded to the central office, which acted as a distributing agency or clearing house for employment throughout the state.

It became the duty of the commissioner to act as an intermediary between labor and capital in all disputes and difficulties. Employers and employees reported all strikes and lockouts. These reports with grievances attached were then communicated to the other party and an amicable settlement attempted. This service was free of all cost to employer and employee alike. A fine of one hundred dollars or a jail sentence of three months with loss of position was the penalty for accepting any fee or payment. To extend the usefulness of the plan advertising in newspapers was permitted. An annual bulletin on the work of the bureau was published.⁶

The law has had little practical effect. The conditions that gave rise to the legislation had changed before the end of the first year. Since that time the law has been practically a dead letter. The legislature made no appropriation to continue the machinery necessary for the labor exchanges. The complexities and difficulties of a highly organized society do not apply to South Dakota.

Therefore, the need for the full and detailed Act regulating and controlling private employment agencies would seem to have limited application here. Possibly owing to the unusual demand for labor during and after the war, private employment agencies did flourish for a brief period, accompanied by the abuses that usually prevail whenever they are permitted to operate without regulation or restriction. Be that as it may, the legislature did pass such a measure in 1919. The main provisions of the Act were about as follows: a license to cost ten dollars annually was to be secured from the industrial commission before May first. It was to contain the city, street, and number of the building in which the agency was conducted. A change of location was to be

⁶ Session Laws, South Dakota, 1920, Chapter 54.

reported. Teachers' agencies were specifically exempted. The enforcement of the law was entrusted to the industrial commissioner.

Bonds in the sum of two thousand dollars to be approved by this official were given as a pledge that the various requirements of the act would be observed. Both the bond and the license were forfeited upon the violation of any part of the measure. The executive officer had the power to conduct hearings, summon witnesses, administer oaths, and order books and records to be produced at inquiry into the conduct of the agency. For failure to obey any order of the commissioner at such inquiry the license might be cancelled.

The books of the agency were to contain the name, sex, and the amount of the fee charged, for every person for whom employment was secured, as well as the name and address of every employer supplied. The registration books were to be open to inspection and all the items therein reported to the industrial commissioner before the tenth day of the succeeding month.

A receipt in triplicate containing the name, occupation, and address of everyone wanting work together with the fee charged and the wages paid for such work and the name of the issuing company was required. The name and address of the employer were also to appear upon the receipt. The original copy was given to the employee; one carbon copy kept on file; and the other was sent to the commissioner. No fee for listing applications for employment or positions was permitted to be charged. All fees for services rendered were to be indicated on the receipt. A schedule of charges must be approved before being put into effect. If the services charged for were not given or received, the fee must be returned. In addition, all expenses incurred by the worker when sent outside the city where the agency was located, were to be paid, if the agency had made false representations concerning the facts or the nature of such employment. For splitting fees with an employer or his representatives, the labor agent was subject to a fine of fifty dollars or imprisonment in the county jail for three months. To send a female to any immoral resort was forbidden. For violation of this

clause the penalty was made imprisonment from thirty to ninety days in the county jail, and the license was also revoked. Making false statements or false entries upon the records were misdemeanors punishable by fines of not less than fifty nor more than one hundred dollars, or imprisonment in the county jail for three months, or by both such fine and imprisonment.⁷

The Industrial Commissioner has found little exercise for the power vested in him by law to settle labor disputes. He was to serve as a conciliator between capital and labor; investigate and learn the facts of the question at issue and seek to adjust the difficulty. To this end he was to select two capable and disinterested citizens to form with himself a Board of Conciliation.⁸ Only one unsuccessful attempt has been made. Since that experience, to use the words of the Commissioner, "The law has lapsed into innocuous desuetude."

The hysteria induced by war was in part responsible for another act that was ill conceived at the time and is to-day a dead letter. It was fashionable at one time to attribute every difficulty to the Industrial Workers of the World. The fear resulting from this propaganda and the malice awakened in men's hearts by the war-makers demanded an object. Therefore, the legislature in 1919 deemed it necessary to compel every man by law to go to work. It was known as the Compulsory Labor Law and forced those who were idle to work for some municipality, corporation, or individual person at the usual and normal scale of wages.

The State Council of Defense was given authority to coerce anyone who "in its opinion was idle and un-employed and whose services may be required and are necessary to carry on or increase the production of food and supplies of all kinds for the purpose of winning the war." For disobedience to any order or regulation of the Council of Defense, the culprit was subject to a fine of from five to one thousand dollars, imprisonment in the county jail for ninety days, or to both the fine and the jail sentence.⁹

⁷ Session Laws, South Dakota, 1919, Chapter 190.

⁸ *Ibid.*, 1920, Chapter 61.

⁹ Session Laws, South Dakota, 1918, Chapter 62.

One other act remains to be noted. In 1921 the state legislature accepted the provisions of the Federal law with regard to co-operation in the work of vocational rehabilitation. The state and nation were to work together to fit ex-service men to support themselves. The Federal Government was to supply the major portion of the funds while the state was to furnish the agency for teaching a trade or giving the necessary training for professional work. To carry out the purpose of the law, five thousand dollars was annually appropriated.¹⁰ However, detailed examination of vocational training by the National Government is outside the purpose of this study.

CHAPTER VI

Administration

The early laws on compulsory school attendance were largely worthless because no one was held responsible for their enforcement. The law merely stated that the children were to be sent to school. It was nobody's business to see that it was done. The fiat having gone forth, unquestioned obedience was accepted as a matter of course.

In 1891 the district school board or the chairman of the board of education in independent districts was given responsibility for carrying out the law. The county superintendent was to prosecute any failure to perform this duty.¹ There is no evidence available to prove that punctual attendance immediately resulted.

At the next session the compulsory feature was joined to the child labor law. All children under fourteen years of age were required to be in school unless supplied with a certificate from the superintendent or some other school officer stating that they had attended the required period. Otherwise the employment was illegal. But no one bothered to determine if such certificate had been issued.²

Anyone not sending a child to school was made liable to a fine by the law in 1915. Several convenient loop-holes, how-

¹⁰ Ibid., 1921, Chapter 215.

¹ Session Laws, South Dakota, 1891, Chapter 56, Sub-Chap. VII.

² Ibid., 1893, Chapter 78.

ever, were included. The court could waive the penalty when in its opinion it would be inhumane or cruel to compel the attendance of that particular child.³ It was not until 1919 that a law capable of being even partially enforced was passed. By that act the state superintendent was charged with its enforcement. County superintendents were made the truant officers, ex-officio, in any district where such an officer had not been appointed. In all the independent districts the board was authorized to appoint someone, otherwise the chairman was held responsible. He usually delegated the work to the town marshal, who was to receive a fee for every arrest.

The procedure was about as follows. The truant officer was to file the complaint with the county judge, but the teacher or any board member might do so. A warrant was then issued haling the parent into court. For the first conviction the penalty was a fine of from ten to fifty dollars, or imprisonment from ten to thirty days. Subsequent offenses carried a higher fine.⁴ The teacher was required to report all absences every two weeks. Failure to do so was made a misdemeanor. The state sheriff was also to act as truant officer, ex-officio, whenever and wherever the local authorities for any reason were lax in forcing attendance.⁵

In the same year the Child Welfare Commission was created. This body, consisting of the superintendent of public instruction, the superintendent of the state board of health, the president of the Woman's Board of Investigation, the parole officer of the Board of Charities and Corrections, and one citizen to be appointed by the governor to serve for two years was to investigate the condition of the children and offer advice concerning education. The employment of children was to be studied, employers were to be advised as to the best conditions surrounding employment and they were to enforce the child labor laws.⁶

The Commission recommended higher age limits for compulsory attendance, continuation and vocational schools, and shorter hours for children in industry.

³ Ibid., 1915, Chapter 170.

⁴ Session Laws, South Dakota, 1919, Chapter 199.

⁵ Ibid., Chapter 169.

⁶ Session Laws, South Dakota, 1919, Chapter 134.

In short, a general program of social improvement was launched. In 1921 the legislature voted three thousand dollars to carry on this extensive program for the next two years.⁷ This was increased to thirty-six hundred dollars two years later.⁸ Local commissions of five members, consisting of the county judge, the superintendent of schools, the health officer and two appointees of the Governor were to be set up in each county. They, working with and through the State Board, were to consider social conditions among women and children.⁹

The assertion that little has been achieved would not be rash. In Clay County the local Board has never met. It is probably not unique in this respect. Even where the machinery exists little has been accomplished. Yet as an educational force in quickening sentiment for higher standards in education, larger pensions, minimum wage laws, and better handling of juvenile delinquency, these bodies could have great influence. Shorter hours for children who work, better homes made possible by economically independent parents, greater safeguards for the health, safety and morals of minors are all desirable. Society is surely if slowly moving toward the realization of these objectives.

The early statutes governing child labor were administered about as indefinitely as the school laws. No one under fourteen was permitted to work without a certificate from the superintendent, and the names of such employees were to be on file for inspection. Not many children were so employed, and it was to the political interest of the superintendent to ignore, rather than enforce these provisions.

This was also true of factory legislation. A bare statement of the requirements with a penalty for violation constituted the whole text of the law.¹⁰ A later statute referring to sanitary conditions in factories, stores and restaurants was left to the State Food and Drug Commissioner for enforcement. The deputies of the commission might enter and inspect any building or equipment. Failure to carry out

⁷ Ibid., 1921, Chapter 29.

⁸ Ibid., 1923, Chapter 16.

⁹ Ibid., 1921, Chapter 142.

¹⁰ Session Laws, South Dakota, 1913, Chapter 240.

the provisions of the law was punishable by fines ranging from ten to one hundred dollars, imprisonment in the county jail for thirty days, or by both punishments. The minimum fine for a second offense was placed at fifty dollars.¹¹

Mothers' Pensions

The legislature did fix a rather definite course of action for any mother wishing a pension. Upon request the states attorney was to draw up a petition to the county judge. That official appointed a committee to investigate the propriety of the applicant's claims. Guided by the data contained in this report the judge granted or rejected the application. He was also given discretion in fixing the amount of the pension to be allowed.

Iowa and North Dakota also authorized the county judge to administer Mothers' Pension laws. In some states the county commissioners have the matter directly in charge. In others local boards, welfare commissioners or overseers of the poor are the executive officers. In New Hampshire it is one of the duties of the Board of Education, while Vermont entrusts it to a state board of Charities and Probations.¹²

Several objections to the law as now administered are valid. Too much is left to the discretion of the judge. As a result, very little uniformity is found in the state. In Clay County no pensioner receives the maximum allowance of twenty-two and a half dollars per month for the first child, nor the ten dollars provided for the other children. Elsewhere the maximum is paid. In some counties not over fifteen hundred dollars is disbursed for mothers' pensions, while in others with no more people several times that amount is expended. Often the deserving are not pensioned. This is due either to ignorance of the law or timidity in making application for assistance. Contrast this condition with the fact that cases are known in which women with independent means or with wealthy relatives ask for and receive monthly allowances.

¹¹ *Ibid.*, 1921, Chapter 242.

¹² Bulletin No. 63, U. S. Bureau of Labor Statistics, p. 16-17.

To require a widowed mother with two or three children not five years old to renew the application for assistance every six months seems an unnecessarily harsh penalty for her unfortunate condition. It savors of charity, whereas the law represents a feeble attempt on the part of society to make amends for its inability to properly distribute the burdens under the present economic system.

Some of these shortcomings might be corrected through state-wide administration. In California, New Jersey, Pennsylvania, Minnesota, Wisconsin and all the New England states, the state as a whole grants mothers' pensions. This makes for greater equality. Intelligent discrimination is not so probable. On the other hand the state board is free from local influence. The larger unit can better place the tax burden where it belongs and thus raise the needed revenue without working any great hardship upon the poorer communities. This permits a more generous scale of payments.

In fourteen states the money is supplied wholly or in part by the state. California gives one hundred and twenty dollars each year to each pensioner. Connecticut, Massachusetts, Minnesota and Wisconsin bear one third of the cost, whereas Delaware, Maine, Pennsylvania and Vermont assume one half of the burden. Maryland, New Hampshire and New Jersey pay the cost of administration.¹³ It is difficult to say which method is the most economical and productive of the best results, but that question is outside the purpose of this study. It is sufficient therefore to suggest that mothers' pensions are right in principle; mistakes on the side of niggardliness are far more likely than an over-generous attitude; and that the policy of the state being the source of the funds with local administration offers perhaps the best solution.

Minimum Wages

The industrial commissioner was authorized in the law of 1923 to enforce the minimum wage law. He might permit the employment of apprentices and beginners for a limited period of less than the prescribed minimum of twelve dol-

¹³ Bulletin No. 277, U. S. Bureau of Labor Statistics, p. 31.

lars per week. He could also allow any woman or girl over fourteen years of age, who was physically or mentally deficient, to work for less. When issuing such a permit he specified what the wages were to be. But all other persons under the law, who were paid less than the minimum wage, could bring suit in court and recover the difference plus the cost of the action. Furthermore, any employer violating the act was held guilty of a misdemeanor. Conviction was punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment of not more than thirty days, or by both such fine and imprisonment.¹⁴

Safety Appliances On Common Carriers

The absence of any extensive code of safety appliances for railroad employees in this state has been shown. Because the federal law came first and state legislation often contained contradictory measures at their boundary lines, the carriers made the federal requirements the standard. When sued they relied upon the inter-state character of practically all traffic. Doubtless it is due to this fact that South Dakota does not even have laws pertaining to safety couplers, automatic brakes, self-dumping ash pans and overhead obstructions. But the few measures that have been passed were entrusted to the railroad commission for enforcement.

In 1885, after the railroads became a factor in the development of Dakota Territory, the legislature provided for a commission of three men to be appointed biennially by the Governor. They were "to inquire into any neglect or violation of the laws of this territory by any railroad corporation, its officers, agents, or employees."¹⁵ They would take oath for faithful performance and give bond in the sum of ten thousand dollars. No person holding any railroad stock, bonds or other railroad property or having any connection with the railway corporation could be a member of the Commission or its secretary. Four years later the law was slightly amended. The commissioners were given free passage over

¹⁴ Session Laws, South Dakota, 1923, Chapter 309.

¹⁵ Session Laws, Dakota Territory, 1885, Chapter 126.

all railroad lines in the state. As before, they were allowed to locate their office anywhere in the state.¹⁶

In 1893 the law was changed so that instead of being appointed by the Governor the members of the commission were to be elected by the people. Location of the central office at the capital was made mandatory.¹⁷

In the first decade of this century a number of laws were passed which the Commission was to enforce. First, in 1907 came the law governing the hours of employment.¹⁸ In 1909 they were ordered to report all wrecks, accidents and casualties. All other casualties must be reported at the end of each month.¹⁹ In the same year they were to have lights placed at all switches and signal stations and crossing alarms were to be installed.²⁰

While the safety, convenience and accommodation of the public were constantly stressed as being the major duty of the commission, yet in enforcing the various laws labor was helped even if indirectly. The act relating to safety appliances on caboose cars was left to be enforced by them as was also the provision for toilets, cuspidors, and station lights.²¹

The growing importance and power of the commission was indicated by the constant changes in the salary and expense account. The territorial legislature no doubt created this body when neither the limited railroad facilities in the state, nor the attitude of the settlers demanded much in the way of regulation or control. In the 80's southern Dakota greatly needed railroads. Settlers hesitated about coming unless some means other than the ox cart was afforded for the transportation of products to market. Therefore in the days when lands and bonuses were given and bond issues were sold by the different bodies, few were very squeamish about late trains, dark, ill-ventilated coaches, or equipment that was dangerous to life and limb.

At that time the commissioners were paid \$2,000 annually. The secretary received \$1500. In 1889 \$3,000 were

¹⁶ Session Laws, South Dakota, 1889, Chapter 110.

¹⁷ Ibid., 1893, Chapter 136.

¹⁸ Ibid., 1907, Chapter 220.

¹⁹ Ibid., 1909, Chapter 75.

²⁰ Ibid., Chapter 212.

²¹ Session Laws, South Dakota, 1911, Chapter 208.

voted for travelling expenses.²² Whether due to drouth or business depression was not stated, but at the session of 1890 the salary was reduced to \$1500.²³ The secretary was paid \$800 and only \$500 was voted for travelling expenses. Two years later the salary was further reduced to \$1200 with the same amount for the secretary and \$300 for travelling expenses.²⁴

This was the low water mark in the fortunes of the commission. In 1895 the salary was again raised to \$1500.²⁵ In 1907 the secretary was also voted that amount. From that time on the work of the commission became constantly more important. The legislature insisted that the members live at Pierre, be in continuous session and have no other business.²⁶ In addition to a salary of \$2500, fifty dollars was to be paid for expenses incidental to moving to the capital. The secretary was allowed \$1800.²⁷ This was advanced to \$3500 for those commissioners who had served less than six years and \$4500 for the men who had been members for six years or more.²⁸ In 1919 the secretary was paid \$2000. This was made \$2500 in 1923.²⁹ The total appropriation for the Board of Railroad Commissioners was \$20,970 in 1899, \$41,000 in 1915, and \$52,000 in 1921.

Mine Inspection

The legislature created the office of Inspector of Mines in 1890. He was to inspect all mines, recommend changes that would make for greater safety, attend all hearings of accidents as far as possible and enforce all protective legislation applying to mine workers.

He was to make an annual report of all accidents, fatal or serious, and the nature and cause of accidents.³⁰ The report, according to an amendment of 1915, was to include sta-

²² Ibid., 1889, Chapter 108.

²³ Ibid., 1890, Chapter 6.

²⁴ Session Laws, South Dakota, 1893, Chapter 136.

²⁵ Ibid., 1895, Chapter 6.

²⁶ Ibid., 1907, Chapter 208.

²⁷ Ibid., 1913, Chapter 310.

²⁸ Ibid., 1923, Chapter 24.

²⁹ Ibid., 1921, Chapter 348.

³⁰ Ibid., 1890, Chapter 112.

tistical matter relating to the mining industry and the mineral resources of the state.³¹

In 1897 the inspector was required to visit each mine once a month, to see that the laws pertaining to iron-bonneted safety cages and the removal of dust and gases were observed. A time limit for meeting the requirements of the law was fixed and the inspector was authorized to enforce the provision.³²

In 1919 the inspector was also given charge of all stone quarries in the state. He was to visit, inspect and enforce safety regulations and report accidents in all cases, just as with mines.³³

The law further specified that a man not under thirty years of age and one who was familiar with mines and mining alone could be appointed as inspector. He was to maintain his office at Lead City. A salary of \$1000 with incidental expenses not to exceed \$1000 was voted. These figures have been changed from time to time. Some of the more important of these are here indicated.

APPROPRIATION FOR INSPECTOR OF MINES

Year	1893	1895	1900	1907	1915	1919	1923
Salary	\$ 1000	\$ 1000	\$ 1200	\$ 1600	\$ 1600	\$ 2400	\$ 2400
Expense	1000	250	750	750	600	750	600

Safety appliances have no doubt lessened the hazards of the industry. Every year the number of fatal accidents grows less, and yet the annual total of lives is too great. "In ten years we have killed twenty-three thousand nine hundred and seventy-nine miners. The fatality rate is three times as high as it is in the coal mines of Great Britain."³⁴ Although this is not immediately relevant to the present discussion, yet the question arises why it is that South Dakota has no legislation concerning ventilation, storing and using of blasting powder, trustworthy character of the foreman, timbering

³¹ Session Laws, South Dakota, 1915, Chapter 249.

³² Ibid., 1897, Chapter 93.

³³ Ibid., 1919, Chapter 259.

³⁴ American Labor Legislation Review, Publication No. 59, p. 202.

of mines, truck laws and semi-monthly payments, to mention only a few of the omitted laws.

First aid, sanitary equipment, such as wash rooms and lockers and even a recreation center have been installed at the center of mining in this state. And yet, in comparison with a law recently passed in North Dakota this state lacks much in the way of safety legislation.

In 1919 North Dakota adopted the following regulations for coal mines. An inspector at a salary of \$2500, with clerical help at a cost of not to exceed \$1200 besides the necessary traveling expenses, was provided. Applicants for positions as foremen, and examiners were licensed only after examination by the inspector. Maps of the workings must be renewed annually. The law required wash houses for the workers, two exits from every mine, "guards at the tops of shafts, stairways or cages at escapement shafts, ventilation, means of communication, drainage, regulated blasting, the entering of mines, first-aid supplies, signals."³⁵

That accidents are often preventable can be shown in several ways. The Mine Inspector says, "Among the causes that help increase the accident rate and the one most difficult to contend with is that of carelessness, which claims annually its quota of victims. Several of those mentioned in detail in this report are due to this cause. A careless person and a 'chance taker' are the two that help increase the annual toll of injuries."³⁶ Secondly, the installation of safety devices does help. The larger mine holders pay more attention to this feature with a consequent lowering of the accident rate. "The larger operator, who must handle the mine product as economically as possible to make it profitable, does not spare expense where the safety of the men depends upon it." The Homestake Company employing over two thousand men had a death rate of less than two per thousand and an accident rate of about four per thousand employees. This was over a period of four years. The Golden Reward Company, employing one hundred and forty-five men had a death rate of six, while at the Mogul mine where less than one

³⁵ Bulletin No. 277, U. S. Bureau of Labor Statistics, p. 241.

³⁶ Annual Report, State Inspector of Mines, 1914, p. 3.

hundred men are employed the rate rose to eight per thousand. In no one of the four years from 1911 to 1914 inclusive was the accident rate at the Homestake Mine more than seven per thousand, while the Reliance Mine where only thirty-six men are employed had a rate of twenty-three per thousand for two years. This was almost equalled by the Trojan Mine with an accident rate of eighteen per thousand.³⁷ These figures clearly establish that even if it is admitted that some accidents are unavoidable, yet much may be accomplished by careful observance of all the cautions that common sense dictates plus the safeguards afforded by every possible safety device. To this end laws might well be passed requiring examinations for position of foreman and for those handling and using blasting powder.

Workmen's Compensation

The Commissioner of Immigration was made ex-officio Industrial Commissioner to administer the Workmen's Compensation Act. He, however, was authorized to appoint a deputy to whom the actual enforcement of the law was delegated. The deputy was given the same power as the commissioner. In fact the law reads: "Such deputy shall possess and exercise all the powers conferred by this article on the Industrial Commissioner, and except as to appointment and salary, shall be construed to include such deputy." This was done, and the present incumbent has been discharging all the duties of the office almost alone from the date of the inauguration of the system to the satisfaction of all concerned.³⁸

The machinery instituted functions about as follows. The employer and employee agree upon the amount of compensation for a given accident. Unless the commissioner within twenty days in writing rejects the agreement, it is binding under the law. However, if the parties are unable to agree, a board of arbitration consisting of three members, one appointed by the commissioner to serve as chairman and one by each of the other parties, seek to reach a settlement.

³⁷ Report of Inspector of Mines, 1914, p. 23.

³⁸ Session Laws, South Dakota, 1917, Chapter 376.

In case of failure to select such an arbitrator within seven days, the vacancy is filled by the state official.

These three men constitute a board of arbitration. They meet at the place where the accident occurred, or in a town nearby. Witnesses are called, evidence presented, and a decision is made by the arbitrators. "And the decisions of the board, together with the statement of evidence submitted before it; its rulings, its findings of fact, its conclusions of law and other matters pertinent to questions arising before it, shall be filed in the office of the industrial commissioner."³⁹ In the absence of an appeal for a review within ten days the decision stands. The whole cost of the hearing, such as traveling expenses, witness fees, medical examination fees, and the fee of the arbitrators, which is limited to five dollars is paid by the employer. He may deduct one half the amount from the sum awarded the employee. All other costs are charged to the losing party, or the board may order a division of the cost between both parties.

In these hearings technicalities are not permitted to enter. As the commissioner says, "On the hearing by a board of arbitration, the main effort is to get at facts without the hindrance of legal technicalities in getting evidence tending to show the facts being admitted. Proceedings before the board of arbitration or before the Commissioner on review are very informal. The rules of evidence and procedure in courts are only followed generally and not technically * * * precedent is not given weight which it is given in circuit court hearings, other than the general rules which have been applied before."⁴⁰ Thus we see that concrete justice rather than abstract theory is the first consideration. This accounts in a measure for the large per cent of accidents that have been settled under the law without requiring recourse to the courts.

Appeals from the decision of the board of arbitration are heard by the commissioner, or he may order a rehearing by the board itself. But "no party as a matter of right can be entitled to a second hearing upon any question of fact."

³⁹ Session Laws, South Dakota, 1917, Chapter 376, Section 36.

⁴⁰ Annual Report of Industrial Commissioner, 1919, p. 15.

Awards by the board or the commissioner may be submitted to the circuit court for ratification. Should the commissioners subsequently make any change in the amount of the award or the method of payment, such changes are also entered in the amended decree of the court. The commissioner may alter his first decision. Such changes must be indicated to both parties in writing.

Fees of doctors and lawyers are fixed by the state official. In 1919 the law provided that the states attorney was to represent the claimant for compensation at all hearings before the commissioner, board of arbitration, or the circuit court, free of all costs.

The employer was in duty bound to notify the commissioner of all accidents within forty-eight hours not counting Sundays or legal holidays. Blanks for this notice as well as for supplementary reports were furnished by the state. This report contained the name, residence and business of the employer; the name, age, sex, wages, and occupation of the injured employee; the date and hour of the accident, nature and cause of the injury and all other information that might be of value in arriving at a decision.⁴¹

It was found that if the employer had insured his liability the last section was not always complied with, for the employer notified only his insurer. Therefore a rule by the commissioner required a similar report from the insuring company.⁴²

To protect the injured worker every employer was required to insure his risks. Failure to do so made him liable to any amount that the court might award. He was further estopped from pleading the common law defenses. This was an advantage. The maximum liability under the law was only \$3000, whereas judgments have been given for several times that amount in a civil suit. Insuring the risks further protected the workman, since a judgment against an insolvent employer furnished no compensation. Yet a number of employers have ignorantly or wilfully failed to insure with a consequent result that the purpose of the act was defeated

⁴¹ Session Laws, South Dakota, 1917, Chapter 376.

⁴² Report of Industrial Commissioner, 1919, p. 15.

when they were insolvent. The small business man with only a few employees who could least afford the loss carried his own risk.⁴³ Large employers were practically unanimous in insuring their liabilities. The tendency today is for the smaller ones to do so more and more.

For a time the railroads of the state held aloof from placing themselves under the act because of a doubt as to their status in view of the interstate character of much transportation. A long series of decisions yet leaves the matter in dispute. Perhaps to quote the attorney general at length may not be amiss. "The true test by which to determine whether or not an employee was at a particular time engaged in inter-state commerce seems to lie in determining whether or not he was at that time (a) personally engaged in handling the subjects of such commerce; or, (b) engaged in using some instrumentality which was at the time being used in connection with inter-state commerce; or, (c) engaged in the maintenance or upkeep or repair of some instrumentality or appliance used by the carrier in inter-state commerce. Under the doctrine of the Pederson and Behrens cases above cited employees on trains carrying any interstate shipments, laborers of all kinds on tracks and bridges of railroads used in transporting inter-state commerce, employees engaged in repairing all appliances used in inter-state trains for movement, and dispatchers and telegraphers controlling the movements of inter-state trains and engaged in inter-state commerce within the purview of the Federal Act. Thus engineers, firemen, conductors, brakemen and flagmen, while actually engaged in moving a train containing interstate merchandise or carrying inter-state passengers, are unquestionably within the scope of the Federal Act and its protection covers them while going to or returning from such tasks; but such employees, when engaged only in the transportation of intra-state freight or passengers are not within the protection of the Federal Act. Thus, in the Behrens case above cited, it was held that as the deceased, at the time of the fatal injury, was engaged in moving cars all loaded with intra-state freight from one part of a city to another, this

⁴³ Session Laws, South Dakota, 1917, Chapter 376, Sections 9, 10, and 46.

was not a service in connection with inter-state commerce, and the fact that the engine which he was using was at times also used for moving inter-state freight, and the fact that the deceased himself was expected upon the completion of the task to engage in another which would have been a part of inter-state commerce, is immaterial * * * but as to other employees in and about railroad stations, yards and roundhouses each case must be determined upon its own facts and circumstances, and that the determination of the question as to whether this last mentioned class of employees comes within the scope of the Federal Statute rests upon the answer to the question whether or not they were at the time actually engaged in handling the objects of inter-state commerce; or in the use of instrumentalities which were at the time being used in inter-state commerce or in the maintenance or repairing of instrumentalities used in inter-state commerce. And as above stated, if in a given case the injured employee comes within the purview of the Federal Act, it is my opinion the state statute of necessity has no application to him.”⁴⁴

The upshot of the matter is that the carriers have elected to come under the act, and many claims for disability are now being paid to their employees. They were no doubt influenced to this action by an award of \$10,000 against the Chicago, Milwaukee & St. Paul Ry. Co.⁴⁵

The question of compulsory insurance continually confronts the commissioner. The act can only be made effective where all the employers are compelled to insure their risks. Some states have solved this question by making the liability insurance a state monopoly. Premiums are collected as taxes. In a study of the relative value of a state monopoly of liability insurance, private insurance competing with state insurance, and private companies only, the following conclusions were reached.

State insurance possesses the following advantages: rates may be raised to meet changing conditions; the workman does not suffer if the employer has not paid his pre-

⁴⁴ Report of the Industrial Commissioner, 1918, p. 20-24.

⁴⁵ Ibid., 1919, p. 6.

mium; the cost of administration is lower. It is cheaper both to the workman and to the employer. Disadvantages such as political influence and insufficient appropriation may be suggested by the opponents of state insurance.⁴⁶ Nevada, North Dakota, Washington, Ohio, Oregon, West Virginia, and Wyoming have made liability insurance a state monopoly. In California the two systems are being operated side by side. Doubtless the future will see more states taking over the insurance business, especially that of liability for accidents. This action South Dakota might well imitate for in 1918 only twenty-five per cent of employers had insured their risks.⁴⁷

Another difficulty presented by the law as now administered is the fact that farm laborers and domestic servants are not included. These classes with the ever growing use of machinery, are subject to many serious accidents. Out of a possible 92,881 employees who might be brought under the act, only 53,997 come under the law. This is fifty-six per cent of such employees. This number constitutes only twenty-five per cent of all employees gainfully employed and only eighteen per cent of all persons gainfully employed. Persons gainfully employed include employers, employees, and independent workers.⁴⁸ These figures are not fully representative because based on the census of 1910. But enough is shown to demonstrate that were farmers, farm laborers and domestic servants brought under the law it would be far more representative of the citizenship of the state.

The present law extends to these classes the option of assuming its provisions. But this is not enough. In a state so overwhelmingly agricultural in character something bordering upon a request is not only possible but advisable. In Europe the law is made to include agricultural laborers.

The question of the status of state employees under the law arose. Under the interpretation of the attorney general all were included, even all faculties of state schools, together with laborers at these institutions. In 1921 the legislature appropriated five thousand dollars for each year of the biennium to pay such claims. This was increased to seventy-

⁴⁶ Bulletin No. 301, U. S. Bureau of Labor Statistics, p. 1-4.

⁴⁷ Report of the Industrial Commissioner, 1918, p. 2.

⁴⁸ Bulletin No. 140, U. S. Bureau of Labor Statistics, p. 28.

five hundred in the next two years. But workers for the State Highway Department, State Coal Mining Commission, State Cement Commission and the State Hydro-Electric Commission were particularly excluded from participating under the appropriation. Because of this fact and further since no safety laws had been passed pertaining to coal mines, labor therein is wholly unprotected, except insofar as the State Coal Mining Commission sees fit to award compensation for injuries.⁴⁹

The commissioner has made a number of recommendations in addition to compulsory insurance for all employees. A larger allowance for medical treatment and hospital care is urged. The maximum payment for death or total disability is too low. Many states are now paying five, seven and even ten thousand dollars. Surely South Dakota should more nearly approximate these larger figures.

The compensation act functions well and is a great improvement over the hit-and-miss system of securing damages for injuries. The burden is, at least in part, distributed and not borne by the one class least able to do so. Medical attention, hospital treatment, assistance when most needed now in many cases lightens the load of misery and suffering resulting from the factory system. But much more might be done. The commissioner has repeatedly pointed out the shortcomings of the law and made recommendations for extensions and improvements. Some of these at least will, no doubt, in time be realized.

⁴⁹ Session Laws, South Dakota, 1921, Chapter 117.

THE WORK OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS WITH SPECIAL REFERENCE TO THE SOUTH DAKOTA BRANCH*

By Daniel Boone Heller

PREFACE

In writing the account of the work of the National Congress of Parents and Teachers with special reference to the South Dakota Branch, I desire to thank all of those people who have so generously aided me in the collection of data: Mrs. Arthur C. Watkins, National Executive Secretary, Washington, D. C., for the promptness and thoroughness in answering my many letters; Mrs. S. H. Scallin, Mitchell, S. D., first State President, for data on the early activities in the State of South Dakota; Mrs. Frank M. Byrne, Pierre, S. D., wife of former Governor Byrne, who was responsible for the early State organization; Mrs. H. R. Kenaston, Bonesteel, S. D., for seven years State President, for her prodigious work in assisting in assembling much of the data, and finally the 187 school people and parents who took time to answer the questionnaires from which the major part of this account is written.

INTRODUCTION

The National Congress of Parents and Teachers was founded in 1897 by two philanthropic women, Mrs. Theodore W. Birney and Mrs. Phoebe A. Hearst. The untiring devotion of these women in the interest of the children of the land culminated in the great national organization of Parents and Teachers. Mrs. Theodore W. Birney was elected first National President in 1897, which position she held until 1902. Only three other presidents have served since that time:

Mrs. Frederic Schoff from 1902 to 1920; Mrs. Milton P. Higgins from 1920 to 1923; and Mrs. A. H. Reeve was elected in 1923, which position she now fills.

*A thesis submitted to the faculty of the College of Arts and Sciences in candidacy for the degree of Master of Arts, Department of Education, University of South Dakota, 1924.

A brief review of the events of the National Association follows:

Summary of Events

A meeting of the National Congress of Parents and Teachers was called to meet in Washington, D. C., by Mrs. Theodore W. Birney and Mrs. Phoebe A. Hearst in February 1897. A national office was opened in the Loan and Trust Building in Washington, D. C. At this meeting yearly conventions were planned and a program of extension was adopted. During the first year, New York was the only State Branch organized. Four additional states were added during the next four years, Pennsylvania and New Jersey 1899, Illinois 1900 and California 1902. The National organization was given a very strong endorsement by President Roosevelt, who accepted a position on the Advisory Council in 1902. The National President, Mrs. Frederic Schoff, made an extensive tour in 1906 for the purpose of carrying out a program of extension. As a result of her tour, State Branches were organized in Idaho, Oregon, Washington and Georgia. Later during the year of 1906, the Child Welfare Magazine was founded as the official organ of the National Association. The year 1907 marked many important activities. The National officers by conference with President Roosevelt and the Secretary of State planned for the first International Conference on the welfare of the child. Invitations were sent by the United States Government to forty-eight nations. The Governors appointed delegates from the respective states. It was during the same year that arrangements were made for a Department of Parent-Teacher Associations in the National Educational Association. At the request of the British Consul, the Association prepared and sent to the British Parliament reports of Juvenile Court and Probation work to be used in the adoption of a Children's Charter. Two additional State Branches were organized during the same year, Colorado and Louisiana. In 1907, also, the National Congress of Parents and Teachers united with four other national organizations of women in an effort to prevent the seating of an Apostle of the Mormon

Hierarchy in the Senate of the United States. While these organizations lost their heroic fight, yet they did establish the fact that their organizations wielded a powerful influence in national affairs. Six states were organized in 1908, Mississippi, Texas, Rhode Island, Tennessee, Alabama and Delaware. Massachusetts was added in 1910. Two states were added in 1913, New Hampshire and North Carolina. The activities of the organization were more or less of a routine nature until 1914, when another International Congress on the welfare of the child was held in Washington, D. C. Five additional states were organized in 1915, Maryland, New Mexico, Montana, North Dakota and South Dakota. Maine was added in 1916. The efforts of the association during the war period were devoted largely to patriotic services. At the time of the National Convention in St. Paul, Minnesota, June, 1924, State Branches had been organized in every state except Arkansas and Nevada. The list includes the District of Columbia.

Function and Scope of Service

The function of the National organization is to carry parental love and parental thought into all that concerns or touches childhood in home, school, church or state; to raise the standards of home life; to develop wiser, better trained parenthood; to bring into closer relation the home and the school that parent and teacher may co-operate intelligently in the education of the child, using systematic, earnest effort to this end through the formation of Parent Teacher Associations in connection with public schools and elsewhere.

The scope of service of the organization includes many departures in the interests of the child. The organization has aided in establishing kindergartens. It has secured the enactment of legislation, which insures that children of tender years may not be tried in ordinary courts. Many towns have established juvenile courts and appointed special officers whose duty it is to care for the child that he shall be rescued from, rather than confirmed in, evil ways. In many places probationary care is in the individual homes rather than in institutions. Through the efforts of this organization

a thorough system of education is available for young people ignorant of the proper care and training of children. Such information will enable them to better perform the duties of parenthood. High ideals of marriage are thus established and the home is more sacred and secure. The association is striving to arouse the whole country to a sense of its duty and responsibility to childhood.

The work of the Congress is civic work in its broadest and highest sense. The co-operation of all is solicited in an organized effort to establish a higher, nobler national life, which can only be attained through the individual homes.

Relation of the National Organization to the Various State Branches

The organization of the National Congress of Parents and Teachers is very highly centralized. At present it consists of forty-six State Branches and the District of Columbia, which in turn are sub-divided into thousands of local organizations. The National organization has forty-four officers, department directors and committee chairmen. Each of these people has a specific piece of work to perform in getting out special information through the various state branches to the local association where the contact is made with the hosts of teachers and parents. The best contact is made through the State Branch that has the most complete corps of corresponding officials who are active. Pressure comes from both above and below, stimulating the work of the State Branches.

CHAPTER II

Early Organization and Development of the South Dakota Branch

The pioneer work in the organization of the South Dakota Branch was conducted by Mrs. Frank M. Byrne, wife of former Governor Byrne. Mrs. Byrne, with a small group of interested men and women, created sufficient interest to induce Mrs. Frederic Schoff of Philadelphia, Pennsylvania, then the National President, to attend an organization con-

ference at Mitchell, South Dakota. The convention was held June 16-17, 1915. Mrs. Schoff was accompanied on her visit by Mrs. Orville T. Bright, of Chicago, Illinois, who was at that time Vice-President of the National Organization.

It was not an easy task on the part of Mrs. Byrne to make the necessary preliminary arrangements. The movement was wholly a new one in the state and no city desired to be responsible for a state convention. Mitchell finally came to the rescue. When the people of Mitchell once decided to entertain the first convention they acquitted themselves most creditably. The program, as carried, was one full of inspiration. In addition to the two National officers, addresses were given by Governor and Mrs. Frank M. Byrne, Mayor A. E. Hitchcock, of Mitchell, and others. This conference marked the beginning of the struggling organization, which was destined to play a very prominent part in the community life of South Dakota.

The first conference at Mitchell adopted a workable constitution and elected its quota of officers. Mrs. S. H. Scallin, of Mitchell, was chosen as the first State President. Mrs. Scallin served until 1917 and then resigned. The Board of Managers, acting under the authority of the Constitution, elected Mrs. H. R. Kenaston, of Bonesteel, to fill the vacancy, which position she continues to fill in a creditable manner.

The second state convention was held at Huron, September 26-27, 1917. The program of the second convention was more complete than was the first. The organization had grown and more leaders had been enlisted in its ranks. The out-of-state talent consisted of Mrs. Fred Dick, of Colorado, National Vice-President. Other speakers were Mrs. H. R. Kenaston, State President; Miss Julia Stockett, State Field Librarian; Mrs. Frank M. Byrne; President H. M. Gage, of Huron College; President Willis E. Johnson, of the Northern Normal and Industrial School of Aberdeen; Lieutenant Governor W. H. McMaster and others. Marked progress in general interest in the work of the association resulted from the Huron Conference.

A resolution, of considerable significance, was passed at the Huron Conference relating to a Child Welfare Commis-

sion. In accordance with the resolution a committee of three, consisting of Mrs. H. R. Kenaston, Dr. Willis E. Johnson and Mrs. Frank M. Byrne, was appointed. This committee was charged with the duty of promoting the legislative enactment of a bill providing for a Child Welfare Commission. The conditions resulting from the War necessitated the absence from the state of both Mrs. Byrne and Dr. Johnson. Mrs. Kenaston, alone and at her personal expense, proceeded to carry out the provisions of the resolution. As a result of her efforts the statute providing for the State Child Welfare Commission became effective on July 1, 1919. The work of the State Child Welfare Commission is to investigate the condition of children and advise pertaining to their care and instruction; it also examines into the conditions under which children are employed. The Commission is composed of the Superintendent of Public Instruction, the Superintendent of the State Board of Health, the President of the Woman's Board of Investigation, the Parole Officer of the State Board of Charities and Corrections, and one citizen of the state to be appointed by the Governor. Under the statute the Commission has a very wide range in their activities. The Commission is active in aiding in the solution of the many problems pertaining to childhood in the State.

Governor Norbeck appointed Mrs. H. R. Kenaston as executive officer of the Commission. Through her prodigious efforts in that capacity she secured the enactment of another law, Chapter 29, Session Laws of 1921, approved March 10, 1921. This act appropriated the sum of \$3,000 which was used in part for the purpose of codifying all the laws pertaining to children. In 1923 under the direction of State Superintendent Fred L. Shaw, President of the Welfare Commission and Mrs. Franklin D. Smith, secretary, a complete code of laws pertaining to children, with supplementary helps and suggestions, was published. This code was distributed among the county judges, state's attorneys and others interested in Child Welfare work. It is now a very simple matter for the people generally to become informed on all legal and charitable questions pertaining to children.

At the same session of the legislature, Mrs. Kenaston succeeded in securing two amendments, sections 9995 and 9998, to Chapter 141 of the Revised Code of 1919 relating to dependent, neglected or delinquent children. Section 9995 provides for probation officers and in cases affecting girls such officer is to be a woman. Section 9998 provides for the exclusion of the general public from hearings in the juvenile courts and privacy of records in cases of juvenile delinquency. The object of this amendment was to protect the child from being denominated a criminal for acts committed previous to the years of discretion. The provisions of both of these amendments are in full operation in every county of the state. Great good continues to come from these amendments in the many cases of delinquency among children.

Because of the vigorous work on the part of Mrs. Kenaston two other laws relating to child welfare were enacted by the 1921 legislature, Chapter 371, relating to the Sheppard-Towner Maternity and Infancy Bill and Chapter 142, relating to County Child Welfare Boards. The state law with regard to the Sheppard-Towner Maternity and Infancy Bill accepted the provisions of the Federal Act. Means were provided for the co-operation between the Federal and State governments in the protection of mothers and infants. The sum of \$20,729.18 was appropriated by the Federal Government to the State Treasury for the purpose of carrying out the provisions of this bill from July 1, 1922 to June 30, 1924. A Division of Child Hygiene was created in the State Board of Health for the purpose of administering the service provided by the act. The Director of this Division is today rendering great service to the state by conducting baby clinics over the state and through the Public Health nurses, whose expenses are partially paid by the Federal and State funds appropriated by the Sheppard-Towner Act. Every county in the state is offered one-third of the expenses of a full time Public Health nurse provided the county pays two-thirds of the expenses. This provision has stimulated many counties to take advantage of the State and Federal funds, that otherwise would not have been interested in a Public Health nurse.

The law pertaining to county child welfare boards has also rendered great service to the state. Under the provisions of this act a Child Welfare Board was created in every organized county in the state. It consists of the county judge, county superintendent of schools, county superintendent of health and two persons appointed by the State Child Welfare Commission, one of whom shall be a woman. While the County Board can act in an advisory capacity only, it is functioning with considerable satisfaction throughout the state. In the 1923 Bulletin of the State Child Welfare Commission, a very definite plan for work for the County Boards is included. The plan calls for comprehensive reports on the following: illegitimate children, crippled children, feeble-minded persons, neglected and dependent children, delinquency, maternity homes for illegitimate births, institutions caring for children, recreations, enforcement of compulsory school laws and cases of probation.

After the second state convention at Huron in 1917, war conditions generally upset the local work of the association. Interests were being directed along other lines to such a degree that both local and state work nearly died out. It was several years before another State Convention was attempted.

A cordial invitation was issued by the Executive Committee of the Vermillion Parent-Teacher Association for a State Convention to be held there in November 1922. The invitation was accepted and the third State Convention was held in Vermillion, November 3-5, 1922.

The state was honored at this time by the visit of Mrs. Milton P. Higgins, of Worcester, Massachusetts, National President. At the suggestion of Mrs. Higgins, the work in South Dakota was completely re-organized and an entire new constitution was adopted. Miss Bottomley, private secretary to Mrs. Higgins, accompanied her to Vermillion. Miss Bottomley was a national expert on organization and the new South Dakota organization was wholly the result of her counsel.

The new constitution provided that the state be divided into six districts following the divisions provided by the State Federation of Woman's Clubs. A vice-president was

elected for each district, whose duty was to stimulate interest in local work throughout the district. Another important change in the constitution was the raising of the affiliation dues. Under the old constitution the affiliation dues were five cents per member. This amount was raised to ten cents by the new constitution. This provision made available larger funds for state work. In addition to these changes additional departments and committees were created to correspond with the National organization.

The most important work aside from the new constitution was the provision for the publication of an official Bulletin. Rev. S. G. Cole, pastor of the First Baptist Church at Vermillion, was elected editor. Rev. Cole made the publication live and vital from the very start. Various local associations submitted very interesting local items from time to time and much suggestive program material was included. The Bulletin furnished a medium through which all local fields could be reached with the organized State and National forces. Five editions of 500 each were published during the year 1922-23. Rev. Cole left the state during the summer of 1923 and Dr. J. C. Tjaden, of the University of South Dakota, was elected to fill the vacancy. During the year 1923-24, seven editions of 1,000 each were published. The Bulletin is sent free of charge to the four ranking officers of each local affiliated association and to any other person at one dollar per year. The Bulletin is at the disposal of any state officer, department director or committee chairman for use in sending any announcement or information to the local organizations. A message from the state president is published in each edition.

Shortly after the adjournment of the State Convention at Vermillion, the state legislature convened. The executive committee of the South Dakota Branch of Parents and Teachers was enlisted in the cause of two legislative measures. The first was the bill providing for week-day religious education, which was enacted. This measure provides that school children may be withdrawn from the public schools to the extent of one hour per week for religious instruction. This bill was sponsored by many religious or-

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ganizations and individuals throughout the state. Many communities have taken advantage of this provision and have organized religious classes for the instruction of children.

The second measure before the legislature, in which the Parent-Teacher Association became very much interested, was the threatened retrenchment in educational matters. There was an organized movement among the so-called "economy bloc" to eliminate a large part of the educational appropriations. The South Dakota Education Association enlisted the support of other organizations and individuals in bringing pressure to bear upon the legislature to check the activity of the "economy bloc". In this campaign the Parent-Teacher Association rendered effective service. The movement to curtail the cause of education was so completely overwhelmed by public sentiment that it collapsed.

The invitation to hold the state convention in Sioux Falls in 1923 was unanimously accepted by the delegates at Vermillion. Sioux Falls with her eleven organizations, with an aggregate membership of 900, made elaborate plans for the Convention, which was held there October 18-20, 1923. The State was again honored by the visit of the National President, Mrs. A. H. Reeve, of Philadelphia, Pennsylvania. Mrs. Winnifred Carberry, National Field Secretary, of Washington, D. C., was also in attendance. The program was an exceedingly strong one and real Parent-Teacher problems were discussed. The attendance was by far the largest of any Parent-Teacher Convention ever held in the State.

The outstanding accomplishment of the State Convention at Sioux Falls, in 1923, was the provision for a Students' Loan Fund. The Fund will be under the general supervision of the Department of Education, of which President Edgar C. Higbie, of the State Normal School at Madison, is Director. A committee working under the direction of President Higbie made a survey of the finances of grade school, high school and college students.

The result of the survey indicated that both the grade school and high school students were fairly well financed. On the other hand the survey showed a real need for assistance among college students.

There was a sub-committee of eight appointed by President Higbie charged with the duty of raising funds throughout the state. This committee, in the literature which they have sent out, have suggested several ways of raising the necessary funds; among which are: benefit entertainments, benefit motion picture shows, candy sales, food sales, and inducing interested people to make bequests.

A second sub-committee of three including a bonded treasurer have been appointed to handle the money and make the loans. The funds will be safeguarded against depletion by dishonesty or careless handling. There is no limit set on the size of the fund. While many details remain to be worked out, forty dollars have already been raised and will be available as the first loan in September, 1924.

The growth of the State Association during the past two years has been very rapid. There were but six local associations that took part in the first State Conference at Mitchell. In 1922 at the State Conference at Vermillion, there were but seven local associations. One hundred sixty-two delegates from fifty-two local associations took part in the proceedings at Sioux Falls in 1923. The list of affiliated membership reveals the growth of the association. While the state was organized in 1915, there were no affiliation dues paid in until 1918. During that year dues for 507 members were paid by the various local associations. In 1919 dues were paid for 350 members, 1920 for 790 members, 1921 no dues were paid, 1922 for 894 members, 1923 for 1899 members and in 1924 dues were paid for 5039 members.

CHAPTER III

The South Dakota Survey

On March 1, 1924, the writer sent out two sets of questionnaires for the purpose of securing data with respect to the various local associations over the state. Three hundred nineteen questionnaires were sent to the cities and towns. They were sent in the following order: to each city or town having an affiliated association; to each city or town, having a non-affiliated association, wherever the records showed such

associations to exist; and to the superintendent of schools in the remaining cities and towns. The second questionnaire was sent to the county superintendent of schools for the purpose of securing data on rural associations. The state secretary's records showed seventy-three affiliated associations and about forty non-affiliated associations. Due to the fact that it had been a rather tedious process to keep account of the non-affiliated associations the secretary's information was somewhat incomplete. The secretary had record of only three rural associations. But each of the sixty-six county superintendents was sent a questionnaire for rural data.

The Questionnaires follow:

Towns and Cities

1. Do you have a Parent-Teacher Association in your community?
2. If more than one, how many? Date of organization.
3. Total membership. What per cent are men?
4. What are your regular dues? Regular time for meeting?
5. What is your average attendance at your regular meetings?
6. Has any previous Parent-Teacher Association in your community failed?
7. List causes for failure.
8. Check the definite things your organization has accomplished in your community: purchase pianos—, other school equipment—, enforce the cigarette law—, create spirit of co-operation among teachers and parents—, other accomplishments—.
9. List the important topics given on your regular programs
10. Does your community generally approve the P. T. A.?
11. What suggestion for improvement can you make?
12. List names of other organizations doing the work in your community which is usually done by the P. T. A.

County Superintendents' Questionnaire

(For Rural Schools only)

1. Are there any Parent-Teacher Associations among the rural schools of your county? How many?
2. What is the average membership?
3. Have any attempts to organize among the rural schools failed? Reasons for failure.
4. List the definite things accomplished by the Parent-Teacher Associations.
5. What type of programs do you have at the regular meetings (list topics discussed)?
6. List the names of other organizations doing work that otherwise would be done by the Parent-Teacher Associations.
7. List your urgent rural problems that might be solved by a Parent-Teacher Association.

Sufficient questionnaires were sent out to cover the cities, towns and rural communities throughout the entire state. One hundred thirty-eight of the cities and towns out of three hundred nineteen replied. Forty-nine of the sixty-six county superintendents answered their questionnaires. The responses, though far from being unanimous, were sufficiently distributed to give very accurate data on the various local organizations, their accomplishments and their problems.

Replies from the county superintendents indicated that the organizations are not very widely established among the rural schools. Out of the forty-nine responses, nine reported one or more rural associations, the total number of rural associations being fourteen. These fourteen associations, as the data will show, are very active. Their aggregate membership is 367.

Among the cities and towns replying, besides the seventy-three affiliated associations, fifty non-affiliated associations responded. The number of associations in each community was usually one, however the range was from one to fourteen. The dates of organization among the local associations ranged from 1914 to 1924. Even before the South Dakota Branch was organized there existed a few independent local

organizations. The state treasurer's report on April 1, 1924, showed a total of 5039 members among the seventy-three affiliated organizations. The questionnaires showed a total of 1333 members among the fifty non-affiliated associations. There is therefore a total of 6372 members of local Parent-Teacher Associations in the State. The male membership among the total averages 29.11%. The male membership varied from 2% to 50% among local associations.

The dues in the local associations are almost universally twenty-five cents per member per year. Two local associations charge no dues, but take a collection for their affiliation fees. The local dues are divided into three parts, five cents per member goes to the National Association, ten cents per member to the State Association and the balance is retained for local work.

There was very little variation in the time for regular meetings. Regular monthly meetings are almost universal. Three associations reported that they held seven regular meetings throughout the year. No association reported meeting more frequently than once per month.

Thirteen communities reported that attempts to organize associations met with failure. Almost every association was able to report some definite accomplishment. The program topics cover a wide field of suggestive subjects.

The question as to whether the community approves the Parent-Teacher Association brought forth three types of answers—eighty-one towns definitely approved the organization, thirty-one towns tacitly approved while twenty-eight towns were negative in their positions. Suggestions for improvement cover a great variety of very important criticisms of the work of the associations generally. The questionnaires revealed that many other organizations, organized for other specific purposes, were doing some of the work of the Parent-Teacher Association.

The definite accomplishment of the local associations, both urban and rural, show the real value of the organization. Those submitted by the urban questionnaires are:

32 Co-operation among parents and teachers

12 Promotion of health programs

- 11 Assist in purchasing school room equipment
- 6 Purchased pianos
- 5 Playground equipment
- 5 Enforce cigarette law
- 4 Assist in promoting school entertainments
- 4 Curfew ordinance
- 3 Milk for under-nourished children
- 2 Promotion of week-day religious education
- 2 Hot lunches
- 2 Sponsor Boy Scouts
- 2 Employment of high school students
- 1 School bond election

The largest single accomplishment is that of co-operation among parents and teachers. While very few suggested how they did the thing reported, yet from the local notes in the state Bulletin the writer was enabled to determine the procedures in many of the organizations. Among the methods of enlisting co-operation among parents and teachers are—public receptions for the teachers, entertainment of teachers by women's clubs, by civic and commercial organizations, mixers for teachers and parents, mother-daughter-lady teacher mixers, father-son mixers, and a plan whereby teachers are regularly invited into the homes. In every case where these methods were carried out the most encouraging results followed.

The next thing in order of definite accomplishments is the promotion of health programs. Many methods of health work have been formulated. Among the most common are—carrying out the health crusade, dental clinics, medical clinics, sex talks, health movies, health lectures, and children's clinics. The South Dakota Public Health Association at Huron and the State Board of Health at Waubay have co-operated with many local associations by furnishing literature, speakers, films and slides in stimulating interest in health. Several local associations are providing milk for under-nourished children in the public schools.

In many places the finances of the schools are in such shape that the Boards of Education have been compelled to retrench. In many such communities the Parent-Teacher Asso-

ciations have come to the rescue. Through food sales, entertainments, personal solicitations, candy sales, collecting and selling old papers, serving banquets and other methods funds have been secured to purchase equipment for the schools. Maps, globes, pictures, pianos, playground and athletic equipment are among the articles purchased. Whenever it is possible to enlist the organization in the purchase of a piano or any other equipment, two definite purposes have been accomplished. The school will have the much needed article, but in addition the school will have the interest of every person who had any part in the raising of money with which to make the purchase.

A number of associations have actively engaged in the enforcement of the cigarette and pool room ordinances. The best results have been obtained where this was done in the spirit of co-operation between the dealers and the organization. Usually the dealers will volunteer to obey the law when they see the force back of the suggestion. However, in several communities the organizations had to effect prosecutions to bring about the proper respect for law. There is great need everywhere for more activity along this line.

Since the enactment of the law providing for week-day religious education, there has been considerable activity by many communities in this direction. Watertown, Mitchell and Huron are among the communities successfully promoting the week-day religious education. There is no organization better fitted to take the lead than the Parent-Teacher Association. It is the only organization, in which all church creeds and the non-church people, are represented. Through this movement public education and religion become definitely related in such a way that it eliminates sectarian objections. The program of week-day religious education is carried on in co-operation, as far as possible, with all the churches in the respective communities.

The institution of the hot lunch is now practiced by many schools, especially in the consolidated schools and in those having a large rural patronage. In the very large systems the cafeteria has been instituted. The Parent-Teacher Associations have caused the hot lunches to be instituted in

several schools. This has been done by raising sufficient funds to finance at least one hot dish, which is served in connection with the lunch brought from home. It makes the lunch more digestible and certainly more appetizing.

Among the greatest work done by local organizations, is the sponsoring of Boy Scouts and other wholesome activities of especial interest to boys. The Boy Scout movement is considered by outstanding leaders, including President Coolidge, to be the greatest character builder among boys in existence today. On the other hand, about the greatest problem in the community is that of properly directing the activities of the boys. The lack of Boy Scout organizations in many communities is due to the lack of leadership. The work in Vermillion illustrates the possibilities of the Scout organization. The Parent-Teacher Association passed a resolution endorsing the Scout movement. The oath to new members is given in the Parent-Teacher meetings which keeps the interest up. The Parent-Teacher Associations stand back of the Scouts financially in their many activities. The results are: less loafing, less smoking, better school work, higher moral standards and a splendid school spirit. The Parent-Teacher Associations, representing as they do all grades of social standings, are in the best position to sponsor such an organization, which includes all the boys in the community. Where the Scout movement has been sponsored, it has helped in the solution of the boy problem.

On the whole the definite accomplishments among the various local associations have been very constructive. Real problems have been attacked, with satisfactory results. The writer noticed that the most energetic organizations are those which have accomplished definite things.

While the list among the rural schools is not so large, yet it does exhibit a very wholesome interest. It is also true that the rural communities do not have such a wide range of problems as do the towns and cities. The nine county superintendents, who reported rural associations in their counties, listed among the definite accomplishments, the following:

Better co-operation among parents and teachers

Better school attendance
Institution of the hot lunch
Campaign for better school building
Purchase of playground equipment
The organization of Boys and Girls Clubs.

The results among the rural schools have been definite and to the point. Certainly any one of the above would justify the existence of a Parent-Teacher Association.

Replies to the question asking for a list of program topics reveal the fact that there is a very close correlation between the definite accomplishments and the program topics. The conclusions drawn are that first a real interest is created and action follows. While public sentiment is essential in any community activity yet definite results are important. The outstanding weakness among many of the local associations, as revealed by the questionnaires, is their failure to follow up their splendid program topics with results. To discuss leisure time among boys and girls and character building are worthwhile as far as they go, but it is useless unless the discussion is supported by the successful promotion of the week-day religious education, the sponsoring of the Boy Scouts or similar enterprises. The same suggestion would apply to all other program topics. Again it was noticed that the most enthusiastic associations were those which had a very high correlation between the program topics and definite accomplishments. The real measure of the successful organization is listed among the definite accomplishments.

The program topics as reported are as follows:

Urban Questionnaire

- 24 Health, hygiene, clinics, milk diet
- 20 Morals and juvenile delinquency
- 18 Modern parenthood, immorality
- 18 Leisure time of boys and girls
- 16 Reading material, books and magazines
- 16 Thrift and school savings
- 15 Home entertainment, music, good literature
- 15 Cigarette law enforcement

- 14 Students loan fund, how to be raised and loaned
- 13 Physical training, playgrounds
- 13 Athletics, coaches, inter-school games
- 13 Character building, constructive substitution for the undesirable pitfalls
- 10 Curfew ordinances
 - 8 Keeping children at home, chores, study hours
 - 8 Movies, special nights for approved shows, censure the undesirable
- 6 Religious training in schools, week-day religious education, credit Bible study

Rural Questionnaire

Consolidation

State aid

Better teachers

Health

Social needs of the schools

Co-operation between parents and teachers

The program topics present many community problems. Under definite accomplishments is found an analysis of many of the program topics reported. In addition to this list, valuable material is found in each issue of the Child Welfare Magazine and the South Dakota Parent-Teacher Bulletin. A splendid type of program is suggested in the January, 1924, number of the Child Welfare Magazine.

For the High School

- 1. Right reading
- 2. Film recommendations
- 3. The need of recreation and social standards
- 4. Thrift as a habit

For the Grade School

- 1. Home play
- 2. What music should mean to our children
- 3. When your child has done wrong

The replies to the question calling for suggestions for improvement revealed the fact that many of the associations

were able to analyze their own problems. Among the suggestions offered are:

Urban Questionnaire

Need for a more definite program

Eliminate needless discussions

More active participation on the part of all members

More definite interest in school affairs

Parents should take more active part

Little less of strictly entertainment and more real business

More time for social intercourse among patrons and teachers

Create public sentiment in favor of the interests of the school

Never to interfere with the administration of the school

Rural Questionnaire

Sentiment for better school buildings

Better teachers

Better understanding between parents and teachers

Improve school attendance

Better equipment

Hot lunches

Recreation and playground

Better morals

Improve social life in rural communities

The suggestions offered for improvement could practically all be placed under the first suggestion, "The need for a more definite program". Nearly all of the replies, which offered any suggestions, contained the one just quoted. It is very evident that the program committees have failed to function satisfactorily. This difficulty can be overcome by a very careful survey of the field of possible programs, then carefully assigning them to the people best fitted to handle special topics. This involves work and where hard work has been applied there is no difficulty.

In almost every community one or more organizations were listed that was doing some of the work which belonged to the parent-teacher association. A large number of such organizations as reported are:

Urban Questionnaire

Woman's Club, Community Club, Bible Class, American Legion and American Legion Auxiliary, Literary Club, W. C. T. U., Boys and Girls Clubs, Ladies' Aids, Churches, Commercial Club, Civic League, Royal Neighbors, Booster Association, Reading Circle, Home Improvement Club, School Nurse, Birthday Club, Sewing Circle, Men's Club and Civic Council.

Rural Questionnaire

Farm Bureau, Home Demonstration Club, Community Clubs, Boys and Girls Clubs, Farmers' Union Association, Mothers' Department, Civic Club, Ladies' Aid, Community Literary Club and Grange Meetings.

Because of the activity of other organizations which have taken over duties of the Parent-Teacher Association, it has been difficult to arouse interest in a Parent-Teacher Association. It is true that few such organizations represent the whole community. They are either limited to certain groups of people, or they are organized for a specific purpose, in which a limited number of people are interested. The Woman's Club, while worthy and filling a definite place, is restricted to the women, usually to a limited group of them. With practically every other organization, the membership is definitely limited. Membership in the Parent-Teacher Association, on the other hand, is open to all. According to the state constitution, membership is open to teachers, parents of school children and all other persons interested in the welfare of the schools. Thus regardless of business interests, social standings, religious faiths or any other division, everyone is eligible to membership. Then also the public school is about the only place where interests of all people converge. The organization best fitted to deal with problems affecting the whole community is the Parent-Teacher Association.

The fact that thirteen communities replied that there had been previous failures in attempts to organize Parent-Teacher Associations, should enlist the attention of every community, regardless of whether they have or have not an association. To understand the general causes that might result in failure is essential in any organization.

The causes for failure as reported are:

Urban Questionnaire

Opposition of superintendent of schools
Opposition of teachers in the school
Lack of co-operation
Lack of leadership
Interference in school administration
School fight
Neighborhood trouble
Two factions in town
Too many other organizations
Church fights
Personalities entered into organization

Rural Questionnaire

Lack of community spirit
Other organizations doing same work
Teachers do not co-operate
No proper understanding

In analyzing the causes for failure among the Parent-Teacher Associations we find some affecting the fundamental principles of the organization. At the outset the enthusiastic endorsement of the superintendent of schools is fundamental. No organization can function without it. Instances where such endorsement is lacking show the need of closer co-operation between the Parent-Teacher Association and the Board of Education. The intelligent school man usually will change his position when definitely brought face to face with the influence of the organized school patrons. Opposition on the part of the teaching force is very unfortunate. Here again the association must, in a friendly but

firm spirit, show that the Parent-Teacher Association is an influence that must be recognized. Where associations have interfered with the administration of the school, they have entirely failed to adhere to the fundamental principle of the organization. The most strongly emphasized point on the part of both National and State Organizations is "Constructive Co-operation and not Interference". Leaders of a local Parent-Teacher Association can usually check any interference by frequently calling the attention of the membership to the fundamental principle just quoted from the National Organization. Interference in the administration of the schools, if other attempts fail, can almost always be checked by suggestion that any member of a school district has the right to register a conscientious objection to any phase of the school program. But the Parent-Teacher Association is not the place to register such an objection. The proper procedure is first with the superintendent of schools, failing to get satisfaction there, then with the Board of Education, failing there, then an appeal may be made to the public either through the press or mass meetings, but never through a Parent-Teacher Association. The fundamental principle of the Parent-Teacher Association, constructive co-operation, must never be violated if the association is to continue to function. Lack of leadership is a handicap but should not be permitted to cause an association to fail. It is human nature for people to be interested in their children and in things that affect their welfare. The superintendent and teachers can quickly develop leadership, by persistence in appealing for support and co-operation. The report of fights over school elections, among town factions and church quarrels causing failures among parent-teacher organizations is very unfortunate. Such difficulties are perhaps the hardest to overcome. And yet, even in spite of the turmoil, by the law of average, a few people can be found who for the sake of their children are willing to continue the program of co-operation. It is just such communities that most need the parent-teacher organization. Other organizations doing the work of the Parent-Teacher Association have been discussed. The causes for failure among the rural associations are about

the same as the urban. Lack of community spirit could have been listed among the urban causes as well as the rural. One of the strong appeals of the Parent-Teacher Association is the boost it gives to the community. Wherever the miscellaneous people of any community assemble and discuss affairs of mutual interest the community is benefitted. To really vitalize a parent-teacher organization a community must be completely "sold" on its need and on its possibility. The association, where its success is the greatest, is headed by able leadership and loaded with definite problems to be solved.

CHAPTER IV

The Future of the Parent-Teacher Association

The justification for the existence of any organization today is that it possess a definite and worthy aim and that it make progress toward the fulfillment of that aim. The aim of the National Congress of Parents and Teachers, which includes every part of the great organization, is very definitely stated by Mrs. Frederic Schoff, former National President. The aim is:

"To raise the standards of home life, to bring into closer relations the home and the school, that parents and teachers may co-operate intelligently in the education of the child and to surround childhood with that wise, loving care in the impressionable years of life that will develop good citizens".

The general aim of the South Dakota Branch is included in that of the National. The many details that have been worked out by the State Association and that are now in the process of being worked out all harmonize with the one general aim. To definitely raise the standards of home life has brought into consideration all the problems that tend to interfere with those standards. To bring the parents and teachers into closer co-operation in the education of the child has caused a study of those forces that interfere with education. Finally, to develop good citizens from the children of today has brought the association face to face with those factors that interfere with the proper functioning of the present citizenship.

The details necessary to carry out these objectives are many. It will necessitate an enormous amount of work on the part of both National and State officers. It will call for wide publicity both through the press and publications. It will call for remedial legislation both by Congress and by the state legislature. In the final analysis it will mean definite and vigorous activity on the part of every individual member of each local association.

The problems suggested in an analysis of the objectives, which have been generally accepted, are many and specific, among which are: first, to develop a full meaning of home; second, to understand what constitutes real education; and finally, to understand and to execute the full meaning of citizenship.

Failure to appreciate the meaning of home and home life presents a very serious problem. To establish the full meaning of parenthood is therefore the most notable objective before any organization in the world today. Recognizing the situation, the National Congress of Parents and Teachers has caused a vast amount of literature pertaining to every phase of childhood to be published and made available to any association or individual desiring it. The South Dakota Branch not only has access to the literature of the National, but has several additional agencies through which information is made available as the Child Hygiene Division of the State Board of Health, the Public Health Association and through the State and County Child Welfare Commissions.

The second objective, the failure to understand what constitutes real Education, suggests several agencies that interfere with the proper functioning of the school program. Among these agencies are: lax moral standards, bad habits, parental indifference and lawlessness. The increase of immorality among high school students calls definite attention to the problem. A survey in the city of Minneapolis revealed that during the last fiscal year, there were many unmarried mothers, a large part of whom had to leave school for the purpose of becoming mothers. The increase of the cigarette habit among the adolescent, the laxity in the enforcement of the cigarette laws due to the effects of the war has aggra-

vated the evil among school children. Indifference as to moral standards on the part of ignorant parents has made the task exceedingly complex. The general wave of lawlessness suggests failure on the part of either the home or the school or both.

The third objective, to develop the full meaning of citizenship, implies the combating of those agencies which interfere and the strengthening of those agencies which aid in the development of the right type of citizens.

The South Dakota Branch has partial mechanical organization to solve these problems. Many more local organizations must be established in both urban and rural communities in order that the influence of the association can wield a more definite influence on the affairs of the state. This is being rapidly accomplished through the program of extension. The state officers, local associations and persons generally interested are constantly sending names and addresses of persons interested either in organizing or finding how to organize an association, to the state corresponding secretary, who sends supplies and literature to the interested persons.

Lists of speakers available for addresses before local organizations are sent out from time to time. It should be the policy of the state association to continue to carry out the vigorous program of extension during the immediate future. A larger state organization touching more communities in the state should add to its effectiveness.

In dealing with the local problems, as suggested in the three-fold objective, the South Dakota Branch has been waging a definite campaign both through the state Bulletin and through additional literature, which is sent out in the hope of acquainting the people with the problems and suggesting possible remedies. The result is that where associations are definitely alert to their responsibilities the problems are being solved.

CHAPTER V.

Summary

The National Congress of Parents and Teachers was organized in 1897 and has experienced a continuous growth

since that time. In May 1924 every state was organized, including the District of Columbia, except Arkansas and Nevada.

The function and scope of service include all agencies that affect the life of the child, the home, school, church and society. Many very definite results have been obtained along this line. Among these are: juvenile courts; kindergartens; child laws; expanding the educational program; promotion of health work; direction of athletics and physical training.

The corps of officers of the National Association is widely distributed and includes people from many walks of life, who are interested in the one great purpose, "Child Welfare".

The National Organization maintains a very definite relationship with the various state branches. With corresponding officers there is a reasonably complete process of co-ordination.

The South Dakota branch of the National Congress of Parents and Teachers was organized in 1915. Since that time much constructive work has been accomplished. The legislative program as well as the general routine of activities have been outstanding. Among the laws which were sponsored successfully by the State Association are: the Child Welfare Commission; County Welfare Boards; amendment to laws calling for greater consideration of children when brought into court; and week-day religious education.

The South Dakota Branch was re-organized at the state convention at Vermillion in 1922. As a result a new constitution was written and the publication of the state Bulletin began.

At the state convention in Sioux Falls in 1923, plans were adopted for a Students' Loan Fund. This fund will be raised by a committee and will be loaned to needy college students.

The South Dakota Branch has experienced a very satisfactory growth since its organization in 1915. From six local associations it has grown to seventy-three affiliated and fifty non-affiliated associations. The corps of officers provided by the new constitution is nearly complete.

The Survey of South Dakota was made for the purpose of determining the status of the South Dakota Branch, both concerning active associations and also concerning associations that have become inactive. The survey covered the entire state. While the replies represented but 49% of the total number of 375 questionnaires sent out, they were fairly representative of the whole state. The data covered the principal activities of each association and its problems. Among important data collected were definite accomplishments, program topics, suggestions for improvement and causes for failure.

Definite accomplishments include co-operation among parents and teachers, promotion of health programs, assistance in purchasing equipment for the school room and playgrounds, enforcing the cigarette law, promotion of school entertainments, enforcing the curfew ordinance, milk for undernourished children, promotion of week-day religious education, hot lunches, sponsoring Boy Scouts, the employment of high school students and school bond elections.

The program topics have a very high correlation with definite accomplishments. The following were reported: health programs, morals and juvenile delinquency, modern parenthood, leisure time for boys and girls, reading material, thrift and school savings accounts, home entertainment, cigarette law enforcement and religious training.

Suggestions for improvement can be placed under one general heading. Need for a more definite program.

Causes for failure among the several communities reveal the lack of understanding of the fundamental principles of the organization. The cornerstone of the entire structure rests on the principle Constructive Co-operation and not Interference. This motto should become the settled policy of every association.

The data assembled from the survey indicate that the future of the Parent-Teacher Association is very hopeful. The basic policy of both the State and National Organizations is to raise the standards of home life, to understand real education and to both understand and live the right type of citizens. In carrying out these policies four very definite

problems are suggested: (1) to prepare for parenthood, (2) to create higher standards of morals, (3) to eliminate the undesirable habits among school children, and (4) to establish respect for law.

The South Dakota Branch is energetically at work, through the officers, the bulletin and other means, in promoting the work of the organization. There yet remains a need for a large program of extension to be carried out. Seventy-three communities represent a very small portion of the State of South Dakota.

The end desired by the state organization is the co-operation of all the people of the whole state in the interests of all the children of the State.

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TWENTY-FOURTH ANNUAL REVIEW OF THE PROGRESS OF SOUTH DAKOTA, 1924

It has been from many viewpoints a unique year—weather, crops, politics have all combined to make the season unusual and noteworthy. Winter broke early but spring loitered along the way and culminated in a severe frost on May 24th disastrous to the small fruit. May was more nearly rainless than any spring month in state history. Nevertheless an abundant harvest of all standard crops was given us. The autumn was as unusual as the spring; in many localities there was no frost until November. The corn crop, however, delayed by the drought and cold of May, did not wholly mature; generally the large yield in bushels is of poor quality and reduced feeding value.

WINDSTORM. On June 14th a tempest swept the state; coming at a time when barns were empty, a vast number succumbed to its power. Eight lives in widely scattered sections were sacrificed to it.

PRIMARY ELECTION. At the primary election held March 25th, the majority proposals of all parties (See Review for 1923) were all confirmed except in the Republican primary the delegates to the national convention, favorable to Hiram W. Johnson, were chosen over those favorable to President Coolidge; curiously they were the only delegates in the national convention so favorable to Johnson.

PRESIDENTIAL YEAR. Although the year of a national election, politics but little disturbed South Dakota. The hysteria of recent years had subsided and the people went about their affairs and gave apparently but small consideration to campaign issues. The chief contest was between Governor William H. McMaster and Mr. U. S. G. Cherry for United States Senator, the former winning.

OFFICIAL COUNT. This table gives the relative vote of the several candidates:

For President

Calvin Coolidge	101,299
John W. Davis	27,214
Robert M. LaFollette	75,355

For U. S. Senator

W. H. McMaster	90,006
U. S. G. Cherry	63,728
Tom Ayres	20,952

M. P. Bates	8,442
C. H. Dillon	3,835
Geo. W. Egan	14,484
Don Livingston	1,138
H. L. Loucks	1,378

For Congressman—First District

C. A. Christopherson	39,138
Warren E. Beck	19,904
W. T. Jones	6,901
William Bartling	7,206

For Congressman—Second District

Royal C. Johnson	44,769
J. P. Reinhard	8,043
W. P. Wohlheter	11,468
F. H. Hildebrandt	10,067

For Congressman—Third District

Wm. Williamson	28,150
J. R. Russell	10,026
A. W. Watwood	6,950
C. A. Bates	1,538
G. H. Randall	1,584

For Governor

Carl Gunderson	109,894
W. J. Bulow	46,663
A. L. Putnam	27,027
R. O. Richards	20,359

AMENDMENTS AND REFERRED LAWS. A proposal for a constitutional convention and four referred laws were all defeated. It was another "Vote No" year.

OIL. Some progress has been made in prospecting for oil. A well has been sunk to a depth of nearly two thousand feet in what is known as the Isabel basin. The state geologist believes an uplift occurs at that point, as indicated by outcroppings on the Moreau. At Standing Butte near Fort Pierre, drilling has proceeded to a depth of about 2,500 feet and a good deal of oil has actually been found, but not yet in paying quantities. The well work was closed down for the winter on December 4th with every prospect encouraging. Because of the great difficulty of handling the artesian flow in freezing weather it was deemed prudent to await the spring.

BRIDGE DEDICATIONS

YANKTON BRIDGE. The combination bridge across the Missouri River at Yankton was completed on October 11, and the week from

October 12 to 19 inclusive was given over to a celebration of the event. The citizens of South Dakota and Nebraska assembled at Yankton enmasse. The Thanksgiving services on Sunday the 12th for the opening of the week of rejoicing was the most impressive of the sort the northwest has observed.

MOBRIDGE BRIDGE. The State vehicular bridge at Mobridge, the first to be completed of the five bridges of the state programme for spanning the Missouri, was dedicated with impressive ceremony on November 12. This substantial and beautiful bridge built upon plans made and supervised by John Edward Kirkham, State Bridge Engineer, cost with all extras, \$328,094.72.

OTHER BRIDGES. The structure near Wheeler, known as the Rosebud Bridge is practically complete, but will have to await warmer weather to cast the cement floor; the substructure is completed for the Chamberlain Bridge and the steel is being erected. Both of these bridges will be ready for the tourist traffic of 1925. The contract has been let for the Pierre Bridge; this contract was let for \$435,000 or \$63,000 less than the estimate upon it made to the legislature of 1923 by Engineer Kirkham. The fifth bridge in the programme is at Forest City and the plans are completed. The contract will be let at an early date.

CEMENT PLANT. The State Cement Plant, located adjacent to Rapid City, was completed and began the manufacture of cement upon December 8th.

BORGLUM'S VISIT. In September Gutzon Borglum, sculptor of world fame, visited Harney Peak to examine the sculptural qualities of the granite up-thrust. He declared this to be the only rock formation of which he has knowledge of dimensions and quality capable of bearing sculptures surpassing that upon which he is engaged at Stone Mountain, Georgia. Since returning home Mr. Borglum has submitted a suggestion for statues of Washington and Lincoln standing side by side, from a great rock just below the crest of Harney Peak. The statues suggested are busts 200 feet in height, with features of the dimensions of those of the Egyptian Sphinx standing upon the very top of America and at the approximate center of the continent.

ASSESSED VALUATION. The assessed valuation of all of the property in the state is	\$1,876,112,767
Same for 1923	1,941,398,615
Decrease for 1924	\$ 65,285,848

TAX LEVIES. Statement of tax levies for all purposes for taxing year of 1923:

		Approximate per cent
State tax	\$ 3,608,318.68	11
County tax	8,724,148.46	27
School tax	14,252,655.19	44
Township tax	2,054,961.47	06
Municipal tax	3,928,839.46	12
<hr/>		
Total	\$32,568,923.26	100

The foregoing is for the tax collected during 1924. The levies for the 1924 tax collectible in 1925 are not yet available.

THE TAX DOLLAR. The average dollar paid for public taxes in South Dakota for the past year was divided approximately as follows:

To the state	11 cents
To the county	27 cents
To the township and city	18 cents
For school purposes	44 cents

INHERITANCE TAXES. Collection of inheritance taxes, October 1, 1923 to October 1, 1924\$196,054.39

REVENUES AND DISBURSEMENTS. Statement of receipts and disbursements of the state for fiscal year ending June 30, 1924:

Receipts into the State Treasury:

State taxes	\$ 3,535,196.33
Care of insane	207,741.96
Care of tubercular	32,861.06
Money and credits tax	53,409.58
Inheritance tax	184,016.34
Mortgage registry tax	1,365.15
Insurance companies' state tax	275,074.18
Fees and earnings state offices	411,817.79
Corporation tax	7,345.32
Interest and premiums	118,561.75
Revenue stamps	201,601.23
Revenue warrants sold	2,000,060.00
Game fund	134,798.17
Hail insurance fund	868,232.19
Twine plant fund	189,696.14
Cement Plant Bonds	1,768,395.18
State highway fund	205,440.26

Motor vehicle licenses	1,567,849.47
Fire marshal fund	19,804.74
Soldiers and Sailors Memorial	69,456.28
Gas tax	929,314.12
County agricultural extension	112,943.36
Land Settlement Bonds	230,705.90
Forest reserve	24,799.15
State bridges	221,000.00

School Funds:

Interest and Income—common schools.....	1,401,764.34
Income permanent school funds	253,651.71
Income permanent charity and corrections	6,738.40
Income educational institutions—Local and Endowment	451,601.10
Income permanent educational institutions	19,808.23
Income charities and corrections—Local endowment..	113,304.98

Received from United States Government for:

Educational and social activities	207,713.20
Highways	1,935,646.63
Special militia	3,060.80
Soldiers' Home aid	13,230.00
Total receipts	17,778,005.04
Cash on hand July 1, 1923, all funds	5,690,953.79
Total cash	\$23,468,958.83

Disbursements:

Promotion of agriculture	\$ 1,512,718.28
Promotion of industry other than agriculture	158,546.66
Administration—Being salaries; maintenance of all administrative offices; upkeep and maintenance of capitol and improvement of building	738,500.65
Charities and corrections	1,436,793.02
Education	4,328,025.98
Judiciary expenses	99,090.28
Purchase of land	23,000.00
Protection and public health	76,346.67
Game fund	135,452.88
Cement plant	1,441,876.94
Rebuilding, repairs	22,404.72
Forest reserve	24,799.15
Highway	5,574,796.43
Interest and sinking fund	240,000.00
Redemption of revenue warrants	2,000,000.00
Interest	38,542.00
State bridge	178,692.67

Soldiers' compensation (bonus):

Interest and sinking fund	360,000.00
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Total disbursements	\$18,389,586.33
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Cash balance June 30, 1924	5,079,372.50
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STATE DEBT. The state debt on June 30, 1924, consisted of the following bond issues:

To be paid from taxation—

Highway bonds	\$ 5,950,000.00
Soldiers' bonus bonds	6,000,000.00
Revenue warrants	None
Cement Plant bonds	2,000,000.00
Soldiers' Land Settlement bonds	900,000.00

Industrials guaranteed by state credit—

Rural Credits	47,500,000.00
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Total bond issues	\$62,350,000.00
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RURAL CREDIT BOARD. Statement of conditions at the close of business on June 30, 1924.

Resources—

Farm loans, net amount	\$40,878,683.40
Interest paid on bonds	9,471,750.00
Officers and employees salaries	228,689.88
Legal expenses	13,081.90
Postage and office expenses	22,945.72
Expense of examination of land	53,852.78
Furniture and fixtures	21,663.16
Miscellaneous expense	114,984.49
Cash on hand	3,951,035.06
State Treasurer's balance appropriation	240,000.00
Discount on bonds	475,714.75

Total	\$55,472,401.14
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Liabilities—

State appropriation	\$ 300,000.00
Rural Credit bonds, outstanding	47,500,000.00
Accrued interest received on bonds at date of delivery....	172,264.25
Interest received on average daily balance	580,920.88
Interest received on farm loans	6,363,834.37
Interest received on delinquent installments	124,958.21
Premium received on bonds	171,370.00
Interest received on state warrants	6,850.00

Partial payments on Installments	244,052.83
Miscellaneous fees received	8,150.60

Total\$55,472,401.14

This statement covers the financial operations of the Rural Credit Board from July 1, 1917 to June 30, 1924.

SOLDIERS' LAND SETTLEMENT BOARD. The work of this board is done in conjunction with the Rural Credit Board. When an ex-service man is granted a loan his money comes from two sources the Rural Credit and the Land Settlement Boards.

Appropriation	\$100,000.00
Bonds sold	900,000.00
Soldiers settled on farms	335
Amount loaned by Land Settlement Board	\$708,654.38
Additional loans approved but not closed	21,500.00

SCHOOL FUNDS.

Permanent school funds invested July 1, 1924.....	\$15,260,719.80
Deferred payments on land sold	9,377,745.19

Total investment\$24,638,464.99

Decrease during last year owing to contracts set aside.....	\$ 787,209.18
Interest and income apportioned to schools	\$ 1,545,180.62
Acres of school and public land unsold.....	2,739,508.00
Acres sold since statehood	798,644.85
Restored to state under cancelled contracts	54,483.64

Acres sold after deducting cancellations	744,161.21
Children of school age, 1923	199,894
Children of school age, July 1, 1924	201,306
Apportionment of school fund per capita, Dec. 1923	\$ 7.73

BANK DEPOSITS. Statement of deposits in state and national banks in South Dakota on June 30, 1924, compared with such deposits on June 30, 1923:

Total deposits in state banks June 30, 1924.....	\$111,617,995.29
Total deposits in national banks June 30, 1924.....	66,189,000.00

Total\$177,806,995.29

Total deposits in all banks June 30, 1923.....\$233,804,397.39

Decrease for year\$ 55,997,402.10

SECURITIES COMMISSION. Summary of the work of the department for the fiscal year ending June 30, 1924.

Applications for authority considered	48
Permits granted	25
Permits denied	7
Applications pending	12
Permits cancelled	67
Agents licensed	65

Seven hundred forty thousand, six hundred fifty-three dollars and twenty-five cents (\$740,653.25) worth of securities were registered with the Commission as sold within this State during the year under the provisions of Section 10135 of the South Dakota Revised Code of 1919.

INDUSTRIAL COMMISSIONER Report for last fiscal year:

Accidents reported during the year	4,535
Compensation paid	\$156,948.07
Medical relief	82,384.10
Fatal accidents	17
Death claims settled	12
Death claims where only burial expenses paid.....	1
Death claims disputed and pending	4

SECRETARY OF STATE. Statistics for the year ending June 30, 1924:

Domestic corporations chartered	412
Foreign corporations licensed	45
Banks chartered	5
Notary public commissions issued	1,006
Fees from notary public commissions	\$ 2,515.00
Fees from all sources	22,859.90

Motor Vehicle Department

Data for period January 1 to December 29, 1924.

Automobiles licensed	131,166
Motorcycles licensed	356
Trucks licensed	11,235
Dealers licensed	753
Transfers	3,762

GAME AND FISH DEPARTMENT. Statement for year ending June 30, 1924:

Receipts—

Licenses	\$102,329.00
All other sources	32,487.91

\$134,816.91

Disbursements	\$135,452.88
Licenses issued—Resident:	
Small game	51,245
Big game	904
Trapping	2,608
Non-resident:	
Small game	1,758
Big game	14
Fishing	3,011
Trapping	10
Deer killed	176
Rough fish seined, pounds	1,692,927
Number of fish planted	1,073,380
Arrests for violation of game laws	321
Fines and costs collected	\$ 6,753.42

STATE SHERIFF. Summary of activities for fiscal year ending June 30, 1924:

Number of arrests	1,178
Number of seizures	454
Amount of liquors sold to druggists for medicinal purposes..	3,141.86 gal.
Amount of liquors sold by druggists upon affidavit or prescription	214 5/8 gal.
Amount of sacramental wines sold to ministers of the gospel..	2,438 gal.
Amount of fines imposed reported by justices and clerks of courts and special agents (incomplete)	\$ 40,036.43

STATE HIGHWAY COMMISSION. Below we give a summary of the amount of construction done by the Highway Commission since the law went into effect, March 5, 1919, to June 30, 1924:

Number of miles of Federal Aid Project Roads built or under contract at the present time.....	2,024.41
Cost of same	\$10,435,156.39
Number of miles of State Aid Project Roads built or under contract at the present time.....	1,435.12
Cost of same, to state, including bridges and culverts....	\$ 1,471,559.38
Number of miles of road graveled or under construction for graveling	1,377.25
Cost of same	\$ 3,702,055.55
Bonds sold	\$ 6,000,000.00
Bridges built to June 20, 1921, included in grading.	

Bridge Department

Federal Aid bridges over 20 feet built or under construction (including Mobridge and Chamberlain).....	14,699 linear ft.
Cost of bridges	\$1,845,007.11

INSURANCE DEPARTMENT. Statement of insurance business in the state of South Dakota for year ending December 31, 1923:

	Life Insurance	Fire and Tornado	Accident Frat. and Misc.	Total
Risks written—				
\$42,238,084.12	\$443,348,362.79	*\$15,518,857.52	\$501,105,304.43	
Premiums paid—				
6,778,672.64	4,969,945.21	3,017,987.01	14,766,604.86	
Losses paid—				
1,444,993.88	2,754,751.48	1,825,328.89	6,025,074.25	

Financial statement for the year ending June 30, 1924:

	Disbursements	Receipts
Balance on hand July 1, 1923		\$ 10,442.78
Fees collected during year		41,590.51
Taxes collected during year		275,074.18
Salary commissioner, deputy, examiner, and clerk hire	\$ 12,610.00	
Printing, office supplies and miscellaneous....	2,707.76	
Examination expense and per diem	1,301.30	
Fees transferred to General Fund, June 30, 1924	25,000.00	
Taxes transferred to State Treasurer on receipt of same	275,074.18	
Balance on hand July 1, 1924	10,414.23	
	<hr/>	<hr/>
	\$327,107.47	\$327,107.47

*Fraternal and Assessment Life risks only.

STATE BONDING DEPARTMENT. Statement for fiscal year ending June 30, 1924:

Original appropriation	\$25,000.00
Premiums collected prior to June 30, 1923	34,830.65
Balance in fund June 30, 1923	\$59,830.65
Premiums collected during year	11,937.00
Total	\$71,767.65
Losses paid during year	\$4,656.10
Office expense	226.94
	<hr/>
Balance June 30, 1924	\$66,884.61

HAIL INSURANCE DEPARTMENT. Financial statement for the fiscal year ending June 30, 1924:

Receipts—	Disbursements	Receipts
Balance on hand June 30, 1923.....		\$ 225,077.31
Premiums collected through State Treasurer.....		845,469.99
Interest on delinquent Hail Premiums		22,323.07
Loan		400,000.00
Credit by cancelled warrants		8,736.45
Refunds		407.00
Premiums collected at time of payment of Hail Losses		280,734.27

Disbursements—	
Hail Losses—1923	\$1,414,307.61
Hail Losses—1922, Miscl.	445.55
Hail Losses—June 12, 1922, storm	228,180.79
Adjusters per diem and expense	43,752.88
Office clerks and deputy hire	13,210.54
Stationery and printing	2,233.73
Furniture and fixtures	132.45
Postage, telegraph, telephone and express..	1,423.46
Refunds	5,989.69
Interest on 1922 loan	12,851.41
Miscellaneous expense	1,037.72
Balance on hand July 1, 1924	59,182.26
	<hr/>
	\$1,782,748.09
	\$1,782,748.09

Premium tax unpaid July 1, 1924.....	\$405,881.22
Balance in fund July 1, 1924	59,182.26
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Total Resources	\$465,063.48
Total in hands of State Treasurer July 1, 1924.....	\$ 59,182.26

RAILROAD COMMISSIONERS. Activities for fiscal year ending June 30, 1924:

Complaints disposed of	236
Formal hearings	55
Grain elevators licensed	1,164
Bonded grain houses	702
Scales inspected	3,607
Total miles of railroad	4,278
Number of telephone companies	701

Estimated annual savings to South Dakota shippers, receivers and consumers as a result of reductions in freight and express rates secured, or increases denied, through formal complaints decided since January 1, 1921.

	Interstate	Intrastate
Grain cases (1)	\$2,553,600	\$ 25,000
Live stock cases (2)	715,000	17,500
Coal cases (3)	650,000	.....
Lignite case (4)	75,000	5,000
Lumber and other building materials	40,000	10,000
Hay cases	45,000	12,000
Fuel wood	4,500	5,000
Clay products—brick, tile	25,000	5,000
Sand, stone, gravel	25,000	100,000
Class rates	30,000	20,000
Express rates	150,000	75,000
Various other special cases	250,000	40,000
General 10% reduction (on commodities other than those cited including cement, petroleum, wool, dairy products, etc., potatoes.)	300,000	25,000
Total	\$4,863,100	\$339,500

Refunds actually secured on overcharge claims filed by the Board on behalf of shippers and state institutions from September 23, 1923, to December 17, 1924\$6,871.53

Claims for refund of overcharges filed by Board during same period, but not yet paid (approximately)\$7,000

STATE ENGINEER. Statement for fiscal year ending June 30, 1924:

State Buildings, Improvements, etc.—

New construction	11
Estimated cost	\$835,000.00
Expended during fiscal year	306,000.00
Repairs and improvements, estimated cost	203,000.00

Drainage—

New drainage petitions filed	None
Drainage projects under supervision	8
Estimated cost	\$334,000.00

Water Rights—

Projects for use of water, irrigation, municipal and power, permits issued, new applications filed and under consideration	4
Estimated cost	\$1,261,000.00

PUBLIC PRINTING. The total cost of all public printing, stationery and sundries for the last fiscal year was\$ 78,305.34
Same for fiscal year 1922-23 114,754.72

Decrease\$ 36,449.38

IMMIGRATION COMMISSIONER. Statement for last fiscal year:

General exhibits at state and national fairs	7
Exhibits at county fairs (Minnesota and Iowa)	10
Visitors to exhibits, about	450,000
Newspapers and farm papers carrying ads., No. of issues.....	285
Special articles and news articles published in daily and weekly newspapers, No. of issues, about	3,000
Pieces of literature published	352,845
Immigrant movement by railroads, car lots	899

SUPREME COURT. The following is a summary of the legal proceedings pending or disposed of by the court during the last fiscal year:

Cases pending July 1, 1923	278
New cases docketed	232
Total	510
Opinions affirming lower court	101
Opinions reversing lower court	42
Opinions unclassified	25
Cases dismissed and otherwise disposed of.....	10

Total	178
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Cases remaining on calendar June 30, 1924	332
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ATTORNEY GENERAL. It is manifestly impossible to tabulate all of the many activities of the attorney general's office in its relations to the public, the board of pardons, the rural credit board, the railroad commission, the securities commission, the game and fish department, and in general advice to state officials. The nature of the work is indicated by the summary for the fiscal year:

Original actions in the supreme court	12
Civil cases on appeal	4
Civil cases in circuit courts	25
Civil cases in federal courts	16
Criminal cases on appeal to supreme court	42
Criminal cases in lower courts	6
Cases of assistance to state's attorneys	18
Official opinions rendered	257

FREE LIBRARY COMMISSION. Report of work for year ending June 30, 1924:

Books in service	17,114
*Traveling libraries in service	195

*Traveling libraries are as rapidly as possible being thrown into an open shelf collection so that the number on hand will be reduced rather than increased each year.

Traveling libraries loaned	409
Circulation of books in traveling libraries	18,105
Packages of reference material sent by mail	2,651
Libraries visited	54
County libraries in state	3
Municipal libraries	59
Total	62
Institutional Libraries	18

VITAL STATISTICS. Data for calendar year 1923:

Births	16,037
Deaths	5,385
Marriages	6,213
Divorces	635
Illegitimate births	193
Declaration of intention to become citizens	437
Final citizenship certificates granted	390

LIVE STOCK SANITARY BOARD. Statement for last fiscal year:

Veterinarians licensed	5
Stallions and jacks registered	862
Herds of cattle dipped for scabies	82
Cattle dipped	15,000
Herds under supervision for tuberculosis	931
Such herds fully accredited	357
State indemnity paid	\$19,636.32
Federal indemnity paid on same claims	\$12,480.34

STATE COAL MINE. Statement of operations for fiscal year ending June 30, 1924:

Total tons of coal mined	38,474
Revenues and Disbursements:	
Total revenue from all sources	\$93,661.71
Operating expenses	\$79,557.94
Depreciation and Depletion	3,845.94
Net earnings	\$10,238.27

FARM STATISTICS. The figures here given are taken from the 1924 report of the State Tax Commission.

Farms worked by owner	43,107
Farms worked by tenant	33,145
Total farms	76,252

Total farm acreage	23,053,178
Acres	
Silage corn	155,335
Field corn	4,435,684
Oats	2,737,524
Barley	739,998
Rye	238,202
Winter wheat	69,001
Spring wheat	2,147,020
Spelt	115,758
Alfalfa seed (bushels) ...	53,397
Number of fruit trees	360,945
Number of silos	3,261
Number of bee colonies	7,314
Head	
Dairy cows	448,422
Spring calves	431,389
Spring colts	22,519
Spring pigs	2,651,289
Spring lambs	290,501

MARKETINGS. This table shows the amount of South Dakota agricultural products actually marketed outside the state during the year ending June 30, 1924 as reported by the nine principal railroads operating within the state. The prices used for grain, hay and potatoes are the South Dakota farm values of December 1, 1923 as estimated by the U. S. Department of Agriculture in the December 29, 1923 issue of Weather, Crops and Markets. The livestock values were computed from an average of prices paid in representative local markets in the state.

Wheat, 27,404,494 bushels	\$ 22,197,640.14
Corn, 35,826,364 bushels	18,629,709.28
Oats, 28,355,842 bushels	8,790,311.02
Barley, 10,525,551 bushels	4,210,220.46
Rye, 1,707,110 bushels	836,483.90
Flax, 768,316 bushels	1,598,097.28
Potatoes, 1,814,827 bushels	907,413.50
Hay, 37,061 tons	259,427.00
Horses and mules, 23,940 head	2,035,000.00
Cattle, 525,207,590 pounds	36,764,000.00
Hogs, 823,663,560 pounds	61,774,000.00
Sheep, 30,349,920 pounds	2,883,000.00
All other products shipped	30,000,000.00

Total marketed beyond state line	\$190,885,302.52
Same for 1923	175,893,929.30

Gain for year\$ 14,991,373.22

PRODUCTIONS. The following table of quantities and values for cereals, potatoes and hay is supplied by the Federal Department of Agriculture. The figures for livestock are the actual shipments to markets beyond the state line; dairy and poultry are estimated on basis of the last federal census; minerals are from figures given by the state mine inspector.

Corn, 99,990,000 bushels	\$ 79,992,000.00
Wheat, Winter 1,120,000 bushels	1,400,000.00
Wheat, Spring 33,018,000	41,272,000.00
Oats, 98,050,000 bushels	39,220,000.00
Barley, 22,428,000 bushels	14,353,000.00
Rye, 2,956,000 bushels	3,015,000.00
Buckwheat, 148,000 bushels	158,000.00
Flax seed, 4,299,000 bushels	9,586,000.00
Potatoes, 5,822,000 bushels	3,085,000.00
Hay, Tame, 1,680,000 tons	14,952,000.00
Hay, Wild, 4,189,000 tons	33,931,000.00
Gardens and fruit	5,000,000.00
Livestock marketed, 1,403,160,000 pounds	103,456,000.00
Dairy products	20,000,000.00
Poultry products	21,000,000.00
Pelts and wool, including furs	4,200,000.00
Minerals	6,463,000.00
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Total for 1924	401,083,000.00
Total for 1923	339,361,000.00
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Gain in 1924	61,722,000.00

WEATHER. There are four fully equipped weather bureaus in South Dakota, located respectively at Huron, Pierre, Rapid City and Yankton. The table gives comparative information from these stations from establishment to 1922:

	Huron	Pierre	Rapid	Yankton
Years of record	42	32	45	50
Mean Temperature	43.6	46.7	46.2	47.0
Highest Temperature	108	110	106	107
Lowest Temperature	—43	—40	—34	—36
Mean annual precipitation ...	20.78	17.23	17.65	25.70
Highest annual precipitation .	30.14	23.57	27.14	40.95
Lowest annual precipitation ..	10.19	7.82	9.61	14.40
Average velocity wind	9.5	8.8	8.0	8.1
Highest wind	72.0	70.0	66.0	80.0

RAINFALL. The rainfall for the growing months, April to August inclusive for 1924 at representative places has been:

	April	May	June	July	Aug.	Seasonal Total	1923 Same	Annual Normal
Aberdeen	2.71	2.04	3.84	1.77	2.78	13.14	14.83	26.37
Brookings	1.82	1.32	6.66	1.22	3.89	14.91	16.30	20.97
Eureka	1.28	.44	5.24	3.29	1.35	11.60	14.50	15.16
Highmore	1.40	.50	5.66	2.11	1.13	10.80	17.63	17.86
Huron .....	.92	1.15	7.78	2.55	4.50	16.90	14.28	20.94
Lemmon .....	.40	.49	4.95	2.49	1.15	9.48	15.41	13.62
Milbank	2.70	1.19	5.12	.95	5.47	15.43	10.74	23.71
Mitchell	1.40	1.29	4.60	1.89	2.37	11.55	20.87	24.51
Pierre .....	.99	.24	5.19	1.11	2.74	10.27	15.07	17.00
Rapid City .....	.34	.53	2.27	2.33	1.19	6.66	23.20	17.71
Sioux Falls	1.41	1.35	4.73	.79	2.58	10.80	19.93	25.49
Watertown .....	.97	1.72	5.86	2.96	5.83	17.34	11.75	21.93
Yankton	1.81	1.25	5.36	1.48	2.52	12.43	22.22	26.02

NECROLOGY. The following well known South Dakotans have died during 1924:

Anderson, Andrew S., Democratic candidate for governor, prominent farmer, at Beresford, Aug. 11, aged 47.

Anderson, Henry B., former state auditor, at Phoenix, Arizona, May 2, aged 64.

Bailey, Gilbert Ellis, former president State School of Mines, notable geologist, at Los Angeles, Dec. 6, aged 72.

Baldwin, John H. pioneer of Hand County, former state engineer, at Frazee, Minnesota, June 19, aged 73.

Barber, Hiram, former receiver U. S. Land Office at Mitchell, at Geneva Lake, Wisconsin, August 13, aged 89.

Barbier, Charles P., pioneer frontiersman, (See Memoirs in Vol. XI, S. D. Hist. Coll.) at Greenwood, February 6, aged 91.

Barnes, V. V., pioneer lawyer of DeSmet, later of Yankton. Came to Dakota as general counsel for Dakota Central Railway; afterward was general counsel for Alexander Dowie, of Zion City fame, died at Zion City, aged 73.

Bent, Edward C., pioneer druggist of Deadwod and afterward at Dell Rapids; long member and secretary state board of pharmacy, at Dell Rapids, Aug. 29, aged 72.

Brown, Frank A., banker and important citizen of Aberdeen, October 30, aged 69.

Brown, Dr. R. F., physician and head of Brown Drug Company, of Sioux Falls, June 25, aged 66.

Campbell, Mrs. Robert F., daughter of the late Congressman Charles G. Williams, of Watertown, February 5.

Carr, Walter H., veteran of Civil War, late commandant G. A. R. and member Soldiers' Home Board, at Yankton, July 6, aged 76.

Corrin, Edward, pioneer of Hand County, at Miller, October 29, aged 100.

Cross, Rev. Philites N., pioneer minister of Gayville and Sioux Falls, March 13, aged 90.

Daniels, George W., well known traveling salesman, at Sioux Falls, March 11, aged 73.

Davis, Maj. Crosby G., some time superintendent of Indian schools at Pierre and Flandreau, at Independence, Oregon, September 2.

DeJean, T. C., veteran of the Civil War, member Soldiers' Home Board, at Plankinton, March 17, aged 76.

Douthit, George R., at Sioux Falls, pioneer insuror, August 22, aged 50.

Drury, Edward L., pioneer teacher and lawyer of Brule County, at Chamberlain, December 23, (1923) aged 73.

Edmison, Percival Hall, pioneer of Sioux Falls, Nov. 7, aged 80.

Ford, Grace Ringsrud, daughter of Hon. Amund O. Ringsrud, at Elkpoint, July 19.

Forrest, Asa, judge of the Second Judicial Circuit, at Canton, February 16, aged 55.

Frazier, Francis, notable Sioux Indian minister, at Springfield, February 7, aged 71.

Gamble, Robert Jackson, former U. S. Senator, life member State Historical Society, at Sioux Falls, September 22, aged 73.

Grigsby, Frances Kingsbury, widow of Melvin Grigsby and sister of George W. Kingsbury, at Sioux Falls, April 15, aged 74.

Grimshaw, Robert E., pioneer and postmaster of Deadwood, July 28, aged 76.

Groth, G. K., former legislator, at Sioux Falls, October 8, aged 58.

Harvey, T. J., pioneer merchant of Huron at West Palm Beach, Florida, January 27, aged 71.

Haugan, Lewis S., pioneer banker and legislator of Wilmot, April 30, aged 69.

Henry, Patrick, pioneer banker of Sioux Falls and Chamberlain, April 19, aged 71.

Hepperle, Fred, former legislator and commissioner of school and public lands, at Eureka, April 29, aged 61.

Herron, Mrs. Olivia, educator of Charles Mix County, March 30, aged 82.

Hove, Andrew, pioneer farmer and legislator of Moody County, at Volga, May 29, aged 69.

Howard, Samuel M., veteran of Civil War, pioneer lawyer of Potter County, at Gettysburg, October 31, aged 88.

Hudson, Everett E., former Indian agent and long active business man of Yankton, at Windom, Minnesota, October 28, aged 84.

Hundemer, Henry, pioneer of Lake County, at Madison.

Jones, Claude L., lawyer of Parker, and late president of the State Bar Association, at Parker, Dec. 3, aged 48.

Jones, John Lloyd, former superintendent of banks, at Detroit, April 16, aged 60.

Jordan, Colonel Charles P., notable frontiersman, at Wood, January 6, aged 72.

Kelley, J. F., former legislator of Day County and recently postmaster of Aberdeen, March 20, aged 61.

Klave, John (Clementson,) veteran of the Dakota Cavalry, former treasurer of Dakota Territory, at Elkpoint, aged 80.

Krause, George H., veteran newspaper man at Flandreau and Elkpoint, January 23, aged 54.

Krause, Homer, lawyer of Dell Rapids, April 24, aged 41.

Langsness, John O., pioneer of Baltic, member territorial legislature, county treasurer, February 25, aged 80.

Lanning, George R., pioneer editor and veteran of Civil War; member state board of charities and corrections, at Egan, June 11, aged 79.

Lewis, James, pioneer druggist of Canton, September 14, aged 69.

Mathews, Jacob, Civil War veteran, pioneer jeweler of Pierre, at Huron, June 12, aged 85.

McCaughey, Robert H., banker and former legislator of Spink County, at Kasson, Minnesota, October 22, aged 64.

McLaughlin, Mrs. James, widow of the late Major James McLaughlin, notable Indian agent and author of "My Friend the Indian." at McLaughlin, August 22, aged 82.

McDonough, Niel, municipal judge, at Deadwood, March 1, aged 78.

McKinney, Dr. Dennis L., pioneer business man of Sioux Falls, December 28, aged 69.

Mills, General Anson, in command at the Battle of Slim Buttes, September 9, 1876, at Washington, Nov. 4, aged 90.

Moore, Dr. W. E., former president State Medical Association, at Sioux Falls, June 23, aged 70.

Morris, Charles J., lawyer of Sioux Falls, former speaker of the South Dakota house of representatives, March 23, aged 53.

Moulton, Edward C., legislator from Brown County, 1901-3 at Warner, April 26, aged 74.

Oaks, Herbert D., pioneer merchant of Hartford, Nov. 4, aged 65.

Ramsey, Samuel A., lawyer of Woonsocket, prominent in Democratic and Prohibition politics, January 1.

Raymond, Frank W., merchant and long city auditor of Aberdeen, at Sioux City, May 8, aged 84.

Reid, John F., merchant and former postmaster, at Elkpoint, Oct. 2, aged 68.

Robinson, Rev. Father Charles, Catholic priest of Jefferson for thirty years, at Sioux City, January 17, aged 69.

Rodee, Hiram A., lawyer at Mitchell, died at Bloomington, Illinois, January 13.

Rose, Dr. Henry C. C., veteran of Civil War, physician and postmaster at Milbank, at Hot Springs, August 17, aged 83.

Scott, George H., private secretary to Harry Gandy when Member of Congress, at sea, March 10.

Shepard, Rev. Arthur C., a prominent Methodist pastor of the South Dakota Conference, at Los Angeles, May 28.

Shurtleff, J. H., pioneer surveyor, at Parker, July 3, aged 91.

Stilwill, Dr. H. R., physician at Tyndall, aged 53.

Strass, John F., editor and publisher of the Fremad, Sioux Falls, June 2, aged 62.

Stuverud, Gunder H., pioneer legislator, at Watertown, April 22, aged 78.

Tipton, William E., former lawyer of Aberdeen and Mitchell, former commissioner of charities and corrections, at Hollywood, Cal., Dec. 8, aged 70.

Tower, I. D., former legislator of Brown County, at Three Forks, Montana, August 5.

Van Camp, A. N., pioneer lawyer of Highmore, at Springfield, Massachusetts, May 28, aged 74.

Van Tassell, Dr. Harry, pioneer of Yankton, at Los Angeles, Oct. 25, aged 65.

Warner, Robert T., pioneer lawyer of Watertown, veteran of the Civil War, at Everett, Wash., March 29, aged 81.

Westrum, Ole C., veteran of Civil War, at Volga, Oct. 5, aged 80.

White, Colonel Harold Kidder, once school boy at Vermillion, third cadet from Dakota Territory to Annapolis, at Norfolk, Va., December 1.

White, J. T., pioneer stockman of Belle Fourche, October 6, aged 73.

Whitfield, Rev. Wilmot, pioneer Methodist pastor and leader in division movement, at Los Angeles, Dec. 25, aged 81.

Wilmarth, Albert W., lawyer and legislator, Huron, Dec. 9, aged 69.

Wolzmuth, John, pioneer miner and merchant, member of the legislature in 1889 and from 1905 to 1913 inclusive; at Spearfish, December 26, aged 75 years and one day.

Youngberg, Fred E., old settler of Brookings County, clerk of courts, at Rochester, Minn., February 2, aged 50.

TWENTY-FIFTH ANNUAL REVIEW OF THE PROGRESS OF SOUTH DAKOTA, 1925.

The year opened with the convening of the Nineteenth Biennial Session of the Legislature and the inauguration of state officers. Those who took the oath of office were:

Carl Gunderson, Mitchell, Governor

A. Clark Forney, Oelrichs, Lieutenant Governor

John Howard Gates, Sioux Falls, Judge of the Supreme Court

Carl G. Sherwood, Clark, Judge of the Supreme Court

Samuel C. Polley, Deadwood, Judge of the Supreme Court

C. E. Coyne, Ft. Pierre, Secretary of State

E. A. Jones, Canton, State Auditor

James Lowell Driscoll, Lead, State Treasurer

O. P. J. Engstrom, Summit, Commissioner of School and Public Lands

Charles G. St. John, Clear Lake, Superintendent of Public Instruction

Buell F. Jones, Britton, Attorney General

John J. Murphy, Parker, Railroad Commissioner

ADMINISTRATIVE REORGANIZATION. The most important legislation was the reorganization act which consolidated numerous offices and commissions into two general bureaus, under a secretary of finance and a secretary of agriculture respectively. The reorganization became effective July 1, and is of course still in its tentative stage. E. U. Berdahl, of Sioux Falls, was made Secretary of Finance and B. F. Myers, of Salem, Secretary of Agriculture.

LEGISLATIVE INVESTIGATIONS. Through special committees the legislature investigated all departments of state government, the matters of chief interest being the condition of the guaranty of bank deposits and rural credits.

BANK GUARANTY

Under the act of 1915 all state banks were required to set aside a sum equivalent to one-fourth of one per cent upon their average daily deposits to be subject to the check of the superintendent of banks to insure depositors in state banks from loss. When the crisis came in the great depression beginning in 1920 this fund was found wholly inadequate. The legislative committee reported that 147 state banks had failed with deposits aggregating \$43,000,000 and that the guaranty fund applicable to the liquidation of these deposits was but \$3,000,000. The committee was of the opinion that the assets of the failed banks would equal about fifty per cent, leaving nineteen or twenty million unprovided for. Legislation looking to a determination of the problem has been referred.

RURAL CREDITS

The special committee to investigate rural credits reported the following state of facts:

Total bonds outstanding		\$47,000,000
Mortgages in force	\$41,064,211.45	
Real estate	303,857.67	
Loan to interest fund	3,122,567.07	
Bond Discount	237,224.23	
Cash on hand	2,772,138.48	47,000,000

Of the cash item \$547,695.15 is frozen in closed banks. There are 12,000 loans of which 4,308 were in default for interest and amortization payments. The defaulted interest amounted to \$3,281,783.76.

In view of this situation the legislature limited the total sum which could be issued in bonds to fifty million dollars and the board was re-organized to consist of a commissioner, assistant commissioner and a comptroller. The state treasurer was made treasurer of the rural credit funds.

The committee found irregularities in the rural credit treasurer's office. These matters are still in litigation. On October 1, John B. Hanten, of Watertown, succeeded Claude M. Henry as commissioner.

APPROPRIATIONS. The Nineteenth Session of the Legislature made the following appropriations for the bi-ennium, July 1, 1925-June 30, 1927:		
State administration	\$ 1,820,894.36	
Expense legislative session	129,700.00	
Judicial departments	291,233.33	
Educational institutions	3,607,957.40	
Penal and charitable institutions	2,641,312.00	
Soldiers' Home	492,229.89	
Special school aid and extension work	733,979.20	
State cement plant	275,000.00	
Miscellaneous appropriations	171,094.18	
		<hr/>
		\$10,163,400.36

PROPOSAL MEETING. The biennial proposal meeting for the proposal of state officers for all parties was held at Pierre, December 1, pursuant to the provisions of the Richard's primary law and resulted in the nomination of the following tickets to be voted upon at the March Primary election:

REPUBLICAN MAJORITY PROPOSAL TICKET. The majority proposal ticket of the Republican party is as follows:

NAME	OFFICE
Peter Norbeck	U. S. Senator
C. A. Christopherson	Congressman, First District

Royal C. Johnson	Congressman, Second District
William Williamson	Congressman, Third District
Carl Gunderson	Governor
H. E. Covey	Lieutenant Governor
Gladys Pyle	Secretary of State
E. A. Jones	State Auditor
A. J. Moodie	State Treasurer
Buell F. Jones	Attorney General
C. G. St. John	Superintendent of Public Instruction
O. P. J. Engstrom	Commissioner of School & Public Lands
J. W. Raish	Railroad Commissioner
George W. Wright	Party State Chairman

REPUBLICAN MINORITY TICKET

C. E. Coyne	Governor
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DEMOCRATIC PROPOSAL TICKET

Name	Office
C. J. Gunderson	U. S. Senator
Alice Lorraine Daly	Congressman, First District
Fred H. Hildebrandt	Congressman, Second District
Arthur W. Watwood	Congressman, Third District
W. J. Bulow	Governor
J. C. Stoner	Lieutenant Governor
Gertrude Feige	Secretary of State
L. A. Sherer	State Auditor
Wm. M. Barnett	State Treasurer
Mark Sheafe, Jr.	Attorney General
Hans Ustrud	Superintendent of Public Instruction
Dewey Hall	Commissioner of School & Public Lands
F. L. Perry	Railroad Commissioner

THE FARMER-LABOR PARTY

Name	Office
Howard Platt	U. S. Senator
Alli Reed	Congressman, First District
Fred H. Hildebrandt	Congressman, Second District
Arthur W. Watwood	Congressman, Third District
H. K. Warren	Governor
R. O. Richards	Lieutenant Governor
Mrs. Ella D. Crawford	Secretary of State
Frank Pinney	State Auditor
H. H. Schmidt	State Treasurer

J. E. House	Attorney General
J. E. Nichols	Superintendent of Public Instruction
S. E. Lassegard	Commissioner of School & Public Lands
Tom Arnold	Railroad Commissioner

THE MISSOURI RIVER BRIDGES. The Rosebud bridge was completed and dedicated on September 1, and the Chamberlain bridge upon September 22. These fine structures together with the Mobridge bridge completed a year ago are proving useful beyond anticipation. The Yankton bridge erected by private enterprise is producing revenue beyond the highest hopes of its projectors. The piers of the Pierre-Fort Pierre bridge were completed in October and the superstructure is going forward satisfactorily and it is expected to complete and dedicate the structure in June, 1926. The piers for the Forest City bridge are well along.

OIL PROSPECTS. Favorable progress has been made in the search for oil. The Isabel well is down over two thousand feet. The well at Conata has reached a depth of 2600 feet. Fair progress has been made at the wells at Conata, Caputa, and Standing Butte. The Davis well in North Dakota, near Lemmon, is 3500 feet deep. A well just over the state line in Wyoming in the Edgemont region is said to have shown every indication of oil. The people of the state are tremendously interested in the developments to be made during 1926.

PRIZE WINNERS. Emery Bartle, of Clark, won first prize for judging dairy products and dairy cattle at the 1925 National Dairy Show from a field of 72 contestants representing 24 states.

The State College Team of which Bartle was a member took second prize for judging dairy products and third prize for judging dairy cattle.

H. L. Fluke, of Bath, and W. P. Truesdale, of Kimball, won first prizes on cattle exhibited by them at the International Livestock Show held at Chicago, Nov. 28-Dec. 5, 1925.

ASSESSED VALUATION. The assessed valuation of all the property in the state is\$1,876,078,532
 Same for 1924 1,876,112,767
 Decrease for 1925 34,235

TAX LEVIES. Statement of tax levies for all purposes for taxing year of 1924:

		Approximate per cent
State tax	\$ 4,438,299.81	13.41 %
County tax	8,576,954.91	25.92
School tax	14,192,944.71	42.88

Township tax	1,870,697.63	5.65
Municipal tax	4,017,743.23	12.14
		<hr/>
Total	33,096,640.29	100.00

The foregoing is for the tax collected during 1925. The levies for the 1925 tax collectible in 1926 are not yet available.

THE TAX DOLLAR. The average dollar paid for public taxes in South Dakota for the past year was divided approximately as follows:

To the state	13.41
To the county	25.92
To the township and city	17.79
For school purposes	42.88

INHERITANCE TAXES. Collection of inheritance taxes, October 1, 1924 to October 1, 1925\$163,198.25

BANK DEPOSITS. Statement of deposits in state and national banks in South Dakota on June 30, 1925, compared with such deposits on June 30, 1924:

Total deposits in state banks June 30, 1925\$116,824,520.84
Total deposits in national banks June 30, 1925	73,017,000.00
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Total	\$189,841,520.84
Total deposits in all banks June 30, 1924	177,806,995.29
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Increase for year	\$ 12,034,525.55

STATE DEBT. The state debt on June 30, 1925, consisted of the following bond issues:

To be paid from taxation—

Highway bonds	\$5,650,000
Soldiers' bonus bonds	6,000,000
Hail Ins. warrants	500,000
Cement Plant bonds	2,000,000
Soldiers' Land Settlement bonds	850,000
Industrials guaranteed by state credit—	
Rural Credits	46,500,000

Total bond issues\$61,500,000

SCHOOL FUNDS

Permanent school funds invested July 1, 1925	\$14,439,403.27
Deferred payments on land sold	6,504,448.35

Total investment	\$20,943,851.62
Decrease during last year owing to contract set aside	\$1,344,913.31
Interest and income apportioned to schools Dec., 1924	1,513,891.00
Acres of school land unsold July 1, 1924	2,176,962.61
Acres sold since statehood, approximately	800,000.00
Children of school age, 1924	201,306
Children of school age, July 1, 1925	206,243
Apportionment of school fund per capita, Dec, 1924	\$7.52

RURAL CREDIT BOARD. Statement of conditions at the close of business on June 30, 1925.

Resources—

Farm loans, net amount	\$40,470,828.66
Interest paid on bonds	11,779,812.50
Officers and employees salaries	278,801.26
Legal expense	14,183.89
Postage and office expenses	28,155.40
Expense of examination of land	61,409.24
Furniture and fixtures	27,700.22
Miscellaneous expense	131,280.15
Cash in hands of former Treasurer	1,243,006.23
Cash in hands of Comptroller	1,415,162.83
State Treasurer's balance appropriation	149,126.84
Discount on bonds	475,714.75
Real Estate	522,117.51
Claims	22,767.42
Taxes paid	137,929.25
Interim Commission Expense	3,918.57

Total\$56,761,914.72

Liabilities—

State Appropriation	\$ 300,000.00
Rural Credit Bonds outstanding	46,500,000.00
Accrued interest received on bonds at date of delivery	172,264.25
Interest received on average daily balance	657,528.14
Interest received on farm loans	8,505,373.67
Interest received on delinquent installments	221,699.21
Premium received on bonds	171,370.00
Interest received on state warrants	6,850.00
Partial Payments on installments	205,752.27
Miscellaneous fees received	18,371.18

Abstract Account	1,081.00
Title Account	1,625.00

Total\$56,761,914.72

This statement covers the financial operations of the Rural Credit Board from July 1, 1917 to June 30, 1925.

SOLDIERS' LAND SETTLEMENT BOARD. This board was abolished by the last legislature and its work is being done by the Rural Credit Board. The loans made to ex-service men came from two sources, the Rural Credit and Land Settlement funds. (Chapter 272, 1925 Session Laws).

The following summarizes the work of the board:

Appropriation	\$100,000.00
Bonds sold	\$900,000.00
Soldiers settled on farms	345
Amount loaned by Land Settlement Board	\$798,654.38

INSURANCE DEPARTMENT. Statement of insurance business in the state of South Dakota for year ended December 31, 1924:

Risks Written—

Life Insurance	Fire and Tornado	Accident Frat. and Misc.	Total
\$39,301,488.03	\$455,332,543.50	*\$17,999,754.67	\$512,633,786.20
Premiums Received—			
6,722,757.33	5,129,231.92	3,281,130.49	15,133,119.74
Losses Incurred—			
1,285,557.60	5,771,225.42	2,226,357.08	9,283,140.10

*Fraternal and Assessment Life risks only.

Financial statement for the year ended June 30, 1925:

	Disbursements	Receipts
Balance on hand July 1, 1924		\$ 10,414.23
Fees collected during year		42,561.24
Taxes collected during year		280,743.47
Salary commissioner, deputy, examiner, and clerk hire	\$ 12,420.00	
Printing, office supplies and misc.	2,166.60	
Examination expenses and per diem.	953.08	
Fees transferred to General Fund, June 30, 1925	25,000.00	
Taxes transferred to State Treasurer on receipt of same	280,743.47	
Balance on hand July 1, 1925	12,435.79	
	<hr/>	<hr/>
	\$333,718.94	\$333,718.94

STATE BONDING DEPARTMENT. Statement for fiscal year ended June 30, 1925:

Original appropriation	\$25,000.00
Premiums collected prior to June 30, 1924	41,884.61
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Balance in fund June 30, 1924	\$66,884.61
Premiums collected during year	5,104.13
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Total	\$71,988.74
Losses paid during year	\$1,117.22
Office expense	32.36
	1,149.58
Balance June 30, 1925	\$70,839.16

HAIL INSURANCE DEPARTMENT. Financial statement for the fiscal year ended June 30, 1925:

Receipts—

Balance on hand July 1st, 1924	\$ 59,182.26
Premium Tax collected	1,406,468.15
Interest and Penalty	25,137.69
Cancelled warrants affecting Hail losses	3,545.69
Other Refund	45.45
Premium Collected at time of payment	708,666.31
Loan	1,000,000.00
Loan	500,000.00
Accrued Interest	225.28
Loan	100,000.00

Disbursements—

Adjusters Expense and per diem	\$ 54,350.48
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Hail Losses

1922-1923 \$ 4,556.57

1924 2,241,519.19

2,246,075.76

Refunds	7,028.19
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Office:

Salary	14,520.83
Stationery, printing, furniture and fixtures, postage, express, telegrams, telephone	3,622.20
Loan	400,000.00
Loan	1,000,000.00
Interest on loan	52,083.00
Transfer to M. & C.	251.30
Misc.	860.61
Balance on hand June 30th, 1925	24,478.46

\$3,803,270.83 \$3,803,270.83

Unpaid Premium Tax 1923-1924	\$589,891.19
Balance on hand July 1, 1925	24,478.46

\$614,369.65

Cost per adjustment	\$3.34
(Adj. .0234) .....	.02
(Adm. .0082) .....	.01
(Losses .968) .....	.97

\$1.00

Number of losses 1924	16,256
Average Claim	\$137.00

STATE HIGHWAY COMMISSION

Below we give a summary on construction and status of the 6000 mile State Trunk Highway System, under supervision of State Highway Commission, since the law went into effect, March 5, 1919, to June 30, 1925:

Graded and Surfaced Road Completed

Type	Miles	Cost to State
Gravel	1633.15	\$11,982,400.00
*Gravel (County)	69.30	.....
Sand-Clay	118.55	137,900.00
Oil	4.00	22,900.00
Concrete	1.24	51,900.00
Totals	1726.24	12,195,100.00

Graded Road Completed

Constructed by	Miles	Cost to State
State	1984.6	\$ 5,057,700.00
Forest Service	42.1	98,200.00
*County	32.0	.....
Totals	2058.7	5,155,900.00

Roads Under Construction

Type	Miles	Estimated Cost
Gravel Surfaced	304.6	\$ 1,651,000.00
Graded	105.9	137,600.00
Totals	410.5	1,788,600.00

Federal Aid Bridges (span over 20 ft.) Completed or Under Contract		
14984 Lineal Feet	Completed Cost	1,528,700.00

Total all Construction\$20,668,300.00

Missouri River Bridges

Location	Total Span	Complete Cost	Status
Mobridge	1487	\$ 334,900.00	Complete
Wheeler	1681	378,000.00	Complete
Chamberlain	1792	387,200.00	Complete
Forest City	1769	336,700.00	Under Const'n
Pierre	2071	442,000.00	Under Const'n
Totals	8800	\$1,878,800.00	

Maintenance

Maintenance of the State Trunk System was taken over by the State July 1, 1923. The State maintained June 30, 1925, 3551 miles of the State System at a cost of \$689,900.00.

Trunk Highway Marking

4100 miles of Trunk System have been marked. Approximately 3,000 miles are standard marking and approximately 1,100 miles are temporary marking.

*NOTE: Constructed with county funds, but taken over by Highway Commission for maintenance.

STATE SHERIFF. Summary of activities for fiscal year ended June 30, 1925:

Number of arrests	1,241
Number of seizures	532
Amount of liquors sold to druggists for medicinal purposes	2,407 gal.
Amount of liquors sold by druggists upon affidavit and prescription	100 1-8 gal.
Amount of sacramental wines sold	2,601½ gal.
Amount of fines imposed as reported by justices, clerks of courts and special agents (incomplete)	\$74,651.25

IMMIGRATION COMMISSIONER. Statement for last fiscal year:

General exhibits at state and national fairs	6
Exhibits at county fairs (Minnesota and Iowa)	23
Visitors to exhibits, about	450,000
Newspapers and farm papers carrying ads., No. of issues	300
Special articles and news articles published in daily and weekly newspapers, No. of issues, about	3,000
Pieces of literature published.....	260,000
Immigrant movement by railroads, car lots about.....	765

SECURITIES COMMISSION. Summary of the work of the department for the fiscal year ending June 30, 1925:

Applications for authority considered	34
Permits granted	22
Permits denied	5
Applications pending	2
Permits cancelled	42
Agents licensed	65

One million, twenty-one thousand, two hundred sixty-eight dollars and fifty cents (\$1,021,268.50) worth of securities were registered with the Commissioner as sold within this State during the year under the provisions of Section 10135 of the South Dakota Revised Code of 1919.

INDUSTRIAL COMMISSIONER. Report of last fiscal year:

Accidents reported during the year	4416
Compensation paid	\$196,527.98
Medical relief	80,380.30
Fatal accidents	22
Death claims settled	15
Death claims where only burial expenses paid	2
Death claims disputed and pending	5

NATIONAL GUARD. On June 30, 1925 there were 92 officers and 1,282 men in National Guard units in South Dakota. An annual encampment is held to permit intensive training for two weeks.

FREE LIBRARY COMMISSION. Statement of work for last fiscal year:

Books in service	17,827
Traveling libraries loaned	299
Packages of reference material sent by mail	2,176
Libraries visited	27

Report of South Dakota libraries—

County libraries	4
Tax supported municipal libraries	44
Subscription libraries	20
Institutional libraries	17

(Note—Statistics do not represent a full year's work since a fire in the Commission office caused so much damage by water and smoke that the work was suspended for three months in the busiest season.)

SECRETARY OF STATE. Statistics for the year ending June 30, 1925:

Domestic corporations chartered	413
Foreign corporations licensed	41
Banks chartered	5
Notary public commissions issued	1,908

Fees from notary public commissions	\$ 2,520.00
Fees from all sources	\$22,929.90

Motor Vehicle Department

Data for period January 1 to December 28, 1925.

Automobiles licensed	154,266
Motorcycles licensed	355
Trucks licensed	13,882
Dealers licensed	963
Transfers	25,249

RAILROAD COMMISSIONERS. Activities for fiscal year ended June 30, 1925:

Complaints disposed of	237
Formal hearings	66
Grain elevators licensed	1,140
Bonded grain houses	742
Scales inspected	3,035
Total miles of railroad	4,278
Number of telephone companies	708

STATE ENGINEER. Statement for fiscal year ending June 30, 1925

State Buildings, Improvements, etc.

*New buildings under construction	10
*Estimated cost	\$1,260,000
Expended during fiscal year	330,000
Repairs, improvements, etc., during fiscal year	216,000

Drainage

New drainage petitions filed	2
Drainage projects under supervision	5
Estimated cost	\$330,000

Water Rights

Projects for use of water, location notices filed	2
Estimated cost	Unknown
*Includes new building at Spearfish Normal, emergency approp. ..	\$350,000

ATTORNEY GENERAL. It is manifestly impossible to tabulate all of the many activities of the attorney general's office in its relations to the public, the board of pardons, the rural credit board, the railroad commission, the securities commission, the game and fish department, and in general advice to state officials. The nature of the work is indicated by the summary for the fiscal year:

Original actions in the supreme court	14
Civil cases on appeal to supreme court	5
Civil cases in circuit courts	53
Civil cases in federal courts	12
Criminal cases on appeal to supreme court	38
Criminal cases in lower courts	7
Cases of assistance to state's attorneys	21
Official opinions rendered	240

PUBLIC PRINTING. The total cost of all public printing, stationery and sundries for the fiscal year 1924-25 was	\$114,400.29
Same for fiscal year 1923-24	178,548.50
Decrease	\$ 64,148.21

STATE TREASURER. The following statistics are taken from the report of the State Treasurer for the fiscal year ended June 30, 1925:

Cash on hand, July 1, 1924	\$ 5,079,372.50
Receipts	21,763,060.64
Disbursements	22,004,878.97
Balance June 30, 1925	4,837,554.17

VITAL STATISTICS. Data for calendar year 1924:

Births	15,570
Deaths	5,359
Marriages	6,401
Divorces	652
Illegitimate births	189
Declaration of intention to become citizens	252
Final citizenship certificates granted	511

FOURTH STATE CENSUS: Enumeration as of May 1, 1925:

Total population of state	681,260
Total rural population	414,516
Total urban (residing in incorporated places)	266,744
Children under 6 years	94,654
Children 6 to 20 years	209,453
Persons professing church affiliation	481,426
Men of voting age	192,893
Women of voting age	161,859 354,752
Men of military age	139,942
Foreign born population	71,399
Total illiterate persons, over 18	5,970
Common school education	292,503
High school education	51,927
Normal school education	5,981

Some college study	11,157
College graduates	9,514
Total number born in South Dakota	327,618
Total blind	244
Total deaf	499
Total idiots	759
Total insane	1,540

RAINFALL. The rainfall for the months, April to August, inclusive, 1925, at representative places has been:

	April	May	June	July	Aug.	Total	Seasonal 1924	Mean
Aberdeen	2.31	1.38	10.91	0.94	3.25	18.79	13.14	16.05
Brookings	1.88	0.49	7.17	1.26	0.64	11.44	14.91	14.56
Eureka	2.41	1.08	6.56	0.70	1.48	12.23	11.60	11.19
Higmore	1.30	1.08	5.39	0.70	1.69	10.16	10.80	12.85
Huron	1.71	0.40	3.37	2.02	0.42	7.92	16.90	14.93
Lemmon	1.84	1.80	5.08	1.35	1.35	11.42	9.48	9.94
Milbank	1.93	0.89	7.40	1.91	1.79	13.92	15.43	15.07
Mitchell	1.54	0.87	3.27	1.84	1.39	8.91	11.55	16.69
Pierre	0.95	0.63	3.54	2.77	1.03	8.92	10.27	12.39
Rapid City ...	1.89	4.18	3.83	2.58	2.30	14.78	6.66	13.44
Sioux Falls ...	2.65	1.47	7.17	2.05	1.40	14.74	10.80	17.27
Watertown ...	2.73	0.68	7.27	1.75	2.44	14.87	17.34	15.37
Winner	1.42	0.19	5.16	2.19	0.89	9.85	....	....
Yankton	1.96	0.88	4.31	0.59	0.83	8.57	12.43	17.61

FARM STATISTICS. The figures here given are taken from the 1925 report of the State Department of Agriculture:

Farms worked by owner	41,751
Farms worked by tenant	34,423

Total farms	76,174
Total farm acreage	24,101,202

	Acres		Acres
Silage corn	153,206	Flax	492,635
Field corn	4,389,774	Millet	24,068
Oats	2,865,986	Sweet clover	135,925
Barley	909,121	Potatoes	41,286
Rye	188,793	Sugar beets	2,124
Winter wheat	98,925	Field beans	1,630
Spring wheat	2,500,900	Hay	2,055,078
Spelt	124,789	Pasturage	2,921,363
Alfalfa seed (bushels) ...	41,090		

Number of fruit trees	362,812
Number of silos	2,669
Number of bee colonies	8,616
	Head
Dairy cows	461,864
Spring calves	459,529
Spring colts	23,531
Spring pigs	2,208,600
Spring lambs	298,461

GAME AND FISH DEPARTMENT. Statement for year ending June 30, 1925.

Receipts—

Licenses	\$118,435.90
All other sources	57,143.79
Disbursements	\$194,504.66

Licenses issued—Resident:

Small game	60,141
Big game	1,048
Trapping	2,106

Non-Resident:

Small game	2,183
Big game	11
Fishing	4,318
Trapping	11
Deer killed	194
Rough fish seined, pounds	1,681,264
Number of fish planted	897,000
Arrests for violation of game laws	392
Fines and costs collected	\$9,673.66

LIVESTOCK SANITARY BOARD. Statement for last fiscal year.

Veterinarians licensed	279
Stallions and jacks registered	892
Cattle inspected for scabies	107,693
Cattle dipped for scabies	131,662
Herds under supervision for tuberculosis	1,240
Cattle under supervision for tuberculosis	36,537
Such herds fully accredited	496
Such cattle fully accredited	15,126
State indemnity paid	\$21,580.69
Federal indemnity paid on same claims	\$13,570.93

MARKETINGS. This table shows the amount of South Dakota products actually marketed beyond the state lines during the year ended June 30, 1925 as reported by the nine principal railroads operating within the

state. The values are based upon the estimated farm prices in South Dakota given in the December, 1924, Supplement of Crops and Markets published by the United States Department of Agriculture.

Wheat, 30,745,000 bushels	\$38,738,700.00
Corn, 14,921,000 bushels	12,682,850.00
Oats, 37,643,000 bushels	14,304,340.00
Barley, 5,761,000 bushels	3,629,430.00
Rye, 2,411,000 bushels	2,507,440.00
Flax, 1,500,000 bushels	3,300,000.00
Potatoes, 419,983 bushels	197,400.00
Hay, 15,000 tons	120,000.00
Cattle, 549,452,000 pounds	32,967,120.00
Hogs, 700,812,000 pounds	56,064,960.00
Sheep, 34,448,000 pounds	2,549,152.00
Horses, 29,000 head	1,769,000.00
All other products shipped	32,000,000.00
Total marketed beyond state line	\$200,830,392.00
Same for 1924	190,885,000.00
Gain for the year	\$ 9,945,392.00

PRODUCTIONS. The following table of quantities and values for cereals, potatoes and hay is supplied by the Federal Department of Agriculture. The figures for livestock are the actual shipments to markets beyond the state line; dairy and poultry are estimated on basis of the last federal census; minerals are from figures given by the state mine inspector.

Corn, 83,405,000 bushels	\$50,043,000.00
Winter Wheat, 1,438,000 bushels	1,826,260.00
Spring Wheat, 30,940,000 bushels	39,603,200.00
Oats, 100,198,000 bushels	28,055,440.00
Barley, 23,608,000 bushels	11,095,760.00
Rye, 1,910,000 bushels	1,279,700.00
Buckwheat, 120,000 bushels	84,000.00
Flax, 3,801,000 bushels	8,552,250.00
Potatoes, 3,965,000 bushels	7,137,000.00
Tame Hay, 1,520,000 tons	16,720,000.00
Wild Hay, 1,748,000 tons	13,984,000.00
Gardens and fruit	3,500,000.00
Dairy products	22,000,000.00
Poultry products	19,000,000.00
Pelts, furs, and wool	3,000,000.00
Minerals	7,500,000.00
Livestock marketed, 1,320,800,000 pounds	93,350,000.00
Total for 1925	\$326,730,610.00
Total for 1924	401,083,000.00
Decrease for year	75,352,390.00

NECROLOGY. The following well-known South Dakotans have died during the year:

Aaseth, John O., former legislator, pioneer merchant at Gayville, Dec. 26, aged 75.

Alexander, John P., lawyer and county judge, Brookings county, at Brookings, Oct. 4, aged 68.

Baker, Warren C., pioneer of Davison county, at Mt. Vernon, Bohner, Rev. G. E., pioneer Lutheran minister at Aberdeen, Dec. 22, aged 57.

Brockway, C. L., former legislator, prominent in Masonic circles, at Sioux Falls, Oct. 5, aged 75.

Bussey, Benjamin, pioneer of Bon Homme county, member of legislature, at homestead near Tyndall, Feb. 17, aged 76.

Burnside, Mrs. George W., pioneer of Sioux Falls, Jan. 5, aged 64.

Carney, Osgood Howard, pioneer merchant of Dakota Territory, at Los Angeles, Feb. 14, aged 76.

Carpenter, Mrs. Frances Gale, pioneer capitalist, at Sioux Falls, Jan. 2, aged 82.

Carroll, George H., pioneer lawyer and farmer of Hand county, at Miller, June 11, 1925, aged 76.

Cheever, Joseph Pope, pioneer lawyer, former state's attorney, Hamlin and Brookings counties, at Brookings, Nov. 12, 1925, aged 80.

Clayton, Joseph E., lawyer and county judge, at Mobridge, July 23, aged 61.

Coolidge, Judge Frank W., pioneer jurist of Spink county, at Redfield, Feb. 9, aged 67.

Cory, Frank J., pioneer editor, state senator from Spink county, accidentally killed with his wife near Huron, July 26, aged 66.

Dunham, Niles J., pioneer of Jerauld county and historian of Jerauld and Davison counties, at Spencer, Iowa, May 11, aged 71.

Fate, W. H. H., pioneer of Dakota Territory, a resident for 63 years, at Elk Point, Oct., aged 85.

Graham, William Irving, former president Dakota Wesleyan University, at Des Moines, Ia., May 8, aged 81.

Hartgering, James, pioneer engineer and mining man since 1877, Rapid City, Jan. 14, aged 72.

Hoover, Ben P., pioneer of Sully and Potter counties, Gettysburg, Feb. 4, aged 70.

Jelinek, William A., banker, Bonesteel, April 16, aged 32.

King, John H., former member of legislature, at Watertown, Dec. 24, aged 75.

Kingsbury, George W., pioneer editor, legislator, historian, Yankton, Jan. 28, aged 88.

Lawrence, B. M., professor at Eastern State Normal, Madison, for 20 years, March 29, aged 68.

Lennon, Hon. Chas. E., pioneer of Walworth county 1883, member of the legislature 1921, Feb. 28, aged 76.

Livingston, Mrs. Henry F., pioneer, daughter of Rev. Melancthon Hoyt, April 21, aged 84.

Longstaff, Charles H., pioneer druggist of Huron, Dec. 4, aged 67.

Manning, Louis, pioneer of Hand county, county commissioner, and county auditor, Miller, Nov. 21, aged 55.

McIntyre, Adelaide (Mrs. William) pioneer of Watertown, June 15, aged 81.

Nolan, Patrick F., former county superintendent of Aurora county, at Mitchell, June 25.

Otis, Horace, head of circulation department of Dakota Farmer, with the paper 30 years. Yankton, Aug. 19, aged 68.

Peterson, Charles J., pioneer farmer and editor of the Alcester Union, at Alcester, Sept. 23, aged 57.

Rundlett, Dr. David L., physician of Sioux Falls, at Minneapolis, Feb. 19, aged 52.

Schmail, Andrew, pioneer homesteader and business man of Webster, April 10, 1925, aged 76.

Sheldon, S. B., pioneer banker of Watertown, July 26, aged 82.

Smith, Mrs. Pearl Hunkins, wife of former judge Ellison G. Smith, of Vermillion, at Sioux City, April 12, aged 44.

Soper, Frank L., pioneer lawyer of Lake county, at Sioux Falls, Dec. 9, aged 71.

Stanage, James, native of Yankton county, at Yankton, Nov. 10, aged 64.

Stevens, Mrs. Katherine, South Dakota's oldest citizen, pioneer of the Black Hills, at Belle Fourche, Sept. 7, aged 106 years and 7 months.

Thompson, Tollef B., former professor, University of So. Dak., accidentally killed at Washington, D. C., March 13, aged 60.

Turner, J. L., pioneer of Springfield, Dec. 8, aged 82.

Tyler, G. W., former legislator, at Sioux Falls, Sept. 30, aged 62.

Waddell, W. W., Civil War veteran, pioneer of Codington county, at Watertown, July 1, aged 77.

Walsh, M. F., pioneer of Dakota Territory, resident since 1868, Mission Hill, Nov. 4, aged 77.

Wheelock, A. B., pioneer Sioux Valley, long city judge of Sioux Falls, veteran of Civil War, Milwaukee, July 6, aged 93.

TWENTY-SIXTH ANNUAL REVIEW OF THE PROGRESS OF SOUTH DAKOTA, 1926

HAVE FAITH IN SOUTH DAKOTA

In South Dakota the year 1926 has been one of political upheaval, unusual climatic conditions, and short crops. In general, these conditions have been met philosophically and the faith of the citizens remains unshaken. The New Year is faced confidently with a determination to place private and public affairs on a firmer basis. The State believes with the Senior Senator from South Dakota that the crops for 1927 still look fine.

HAVE FAITH IN SOUTH DAKOTA

THE PRIMARY ELECTION. At the statewide primary election, March 23, 1926, the candidates selected by the parties at the state proposal meeting held at Pierre, December 1, 1925, were endorsed by the party voters. The contests within the parties resulted as follows:

Republican

For U. S. Senator:

Peter Norbeck	52,937
George J. Danforth	24,271

For Governor:

Carl Gunderson	48,782
C. E. Coyne	30,116

For State Chairman:

George W. Wright	46,730
John P. Bleeg	20,686

Democratic

For Governor:

W. J. Bulow	5,775
R. O. Richards	2,579

GENERAL ELECTION RETURNS. The results of the general election November 2, 1926, are given herewith:

For U. S. Senator:

Peter Norbeck, Republican	105,756
Charles J. Gunderson, Democrat	59,128
Howard Platt, Farmer-Labor	12,797
Total vote cast	177,681

For U. S. Representative, First District:			
C. A. Christopherson, Republican	37,185		
J. E. House, Democrat	26,103		
Alli Reed, Farmer-Labor	2,737		
Total vote			66,025
For U. S. Representative, Second District:			
Royal C. Johnson, Republican	38,938		
Fred H. Hildebrandt, Democrat	21,585		
Total vote			60,523
For U. S. Representative, Third District:			
William Williamson, Republican	22,932		
Arthur W. Watwood, Democrat	20,902		
Total vote			43,834
For Governor:			
W. J. Bulow, Democrat	87,136		
Carl Gunderson, Republican	74,101		
Tom Ayres, Farmer-Labor	11,958		
John E. Hipple, Independent	10,637		
Total vote cast			183,832
For Lieutenant-Governor:			
H. E. Covey, Republican	85,344		
J. C. Stoner, Democrat	67,169		
R. T. Eastman, Farmer-Labor	11,917		
Total vote			164,430
For Secretary of State:			
Gladys Pyle, Republican	96,041		
Gertrude Feige, Democrat	57,569		
Ella D. Crawford, Farmer-Labor	13,630		
Total vote			167,240
For Auditor:			
E. A. Jones, Republican	98,397		
L. A. Sherer, Democrat	54,816		
Joseph Eliason, Farmer-Labor	11,268		
Total vote			164,481
For Treasurer:			
A. J. Moodie, Republican	93,334		
W. M. Barnett, Democrat	59,515		
John Dechow, Farmer-Labor	11,627		
Total vote			164,476
For Superintendent of Public Instruction:			
C. G. St. John, Republican	92,571		
Hans A. Ustrud, Democrat	69,226		
Total vote			161,797
For Commissioner of School and Public Lands:			
O. P. J. Engstrom, Republican	94,108		

Dewey Hall, Democrat	56,817	
George E. Sauter, Farmer-Labor	12,012	
Total vote		162,937
For Attorney General:		
Buell F. Jones, Republican	98,570	
Charles F. Noonan, Democrat	54,194	
C. W. Kirschman, Farmer-Labor	11,772	
Total vote		164,536
For Railroad Commissioner, Second District:		
John W. Raish, Republican	89,739	
F. L. Perry, Democrat	58,551	
E. A. Bardell, Farmer-Labor	11,726	
Total vote		160,016
For Judge of the Supreme Court:		
Dwight E. Campbell	100,309	

CONSTITUTIONAL AMENDMENT. The proposed amendment (Chapter 116, Laws of 1925) providing for increased salaries for state officials was defeated by a vote of 117,866 to 55,670.

REFERRED LAW. The referred law (Chapter 99, Laws of 1925), repealing the bank guaranty act was beaten by a vote of 95,830 to 79,823.

ASSESSED VALUATION. The assessed valuation of all property in the state is\$1,805,466,033
In 1925 the assessed valuation was..... 1,876,078,532

Decrease for 1926\$ 70,612,499

TAX LEVIES. Statement of tax levies for all purposes for taxing year of 1925:

		Approximate per cent
State tax	\$ 4,981,484.65	14.70
County tax	8,433,139.00	24.88
School tax	14,484,299.13	42.74
Township tax	2,009,882.18	5.93
Municipal tax	3,980,638.12	11.75
Total	\$33,889,443.08	100.00

The foregoing is for the tax collected during 1926. The levies for the 1926 tax collectible in 1927 are not yet available.

THE TAX DOLLAR. The average dollar paid for public taxes in South Dakota in 1926 was divided approximately as follows:

To the State	\$0.147
To the County .....	.2488
To Township, Town and City .....	.1768
To Schools .....	.4274

INHERITANCE TAXES. Amount of inheritance taxes collected from October 1, 1925 to October 1, 1926\$199,908.88
Collections for same period, 1924-25 163,198.25

GASOLINE TAX. The revenue produced by the tax on gasoline amounted to \$2,309,104.60 for the fiscal year ended June 30, 1926.

REVENUE FROM CIGARETTE TAX... This tax went into force on July 1, 1923. The receipts for the first two years were:

	Stamps	Licenses
1923-24	\$201,601.23	\$32,290.00
1924-25	209,065.39	32,590.00

On July 1, 1925 the fund was set aside as a special building fund. The receipts by months have been:

	Stamps	Licenses
1925		
July	\$36,028.01	
August	33,725.44	\$ 19,445.00
September	30,176.89	
October	25,473.76	561.00
November	24,218.87	385.88
December	23,160.80	195.00
1926		
January	21,817.29	208.40
February	19,135.30	308.00
March	23,472.35	215.50
April	22,705.07	287.50
May	24,128.83	210.00
June	32,502.72	1,349.22
July	25,813.41	23,805.00
August	26,676.26	5,148.00
September	24,748.33	765.00
October	22,889.96	495.00
November	21,255.51	335.00
December	20,631.09	181.75
Total	\$458,559.89	\$ 53,895.25

Grand Total since July 1, 1925.....\$512,455.14

BANK DEPOSITS. Statement of deposits in state and national banks in South Dakota on June 30, 1926, compared with such deposits on June 30, 1925:

Total deposits in state banks, June 30, 1926.....	\$ 96,222,786.86
Total deposits in national banks, June 30, 1926.....	70,803,000.00
<hr/>	
Total	\$167,025,786.86
Total deposits in all banks, June 30, 1925.....	\$189,841,520.84
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Decrease for the year	\$ 22,815,733.98

COMMISSIONER OF SCHOOL AND PUBLIC LANDS:

School Funds.

Permanent school funds invested, July 1, 1926.....	\$14,871,475.72
Deferred payments on land sold	5,583,429.90
<hr/>	
Total investment	\$20,454,905.62
Decrease during last year owing to contracts set aside.....	\$ 598,414.78
Interest and income apportioned to schools, Dec., 1926.....	\$ 1,509,734.90
Acres of school land unsold, July 1, 1926.....	2,203,623.80
Acres sold since statehood, approximately	655,000
Children of school age, 1925	206,243
Children of school age, July 1, 1926	206,813
Apportionment of school fund per capita, Dec., 1926.....	\$ 7.30

STATE ENGINEER. Statement for fiscal year ended June 30, 1926:
State Buildings and Improvements.

New Buildings under construction	19
Estimated cost	\$1,633,000.00
Expended during fiscal year	814,000.00
Repairs, improvements during fiscal year	277,000.00

Drainage.

New petitions filed	0
Drainage projects under supervision	1
Estimated cost	\$ 317,000.00

Water Rights.

Projects for use of water, location notices filed.....	3
Estimated cost	Unknown

STATE SHERIFF. Summary of activities for fiscal year ended June 30, 1926:

Number of arrests	1,351
Number of seizures	559
Amount of liquors sold to druggists for medicinal purposes	1,402 1/4 gallons

Amount of liquors sold by druggists upon affidavit and prescription	110 3/16 gallons
Amount of sacramental wines sold	2,445 2/5 gallons
Amount of fines as reported by justices, clerks of courts and special agents (incomplete)	\$101,490.50
Fees collected and paid into the State Treasury.....	\$ 16,706.32

RAILROAD COMMISSION. Activities for fiscal year ended June 30, 1926:

Reports and orders issued	118
Complaints disposed of	430
Formal hearings	102
Grain elevators licensed	1,110
Bonded grain houses	682
Total miles of railroad	4,278
Number of telephone companies	712
Motor carrier applications	1,066
General storage warehouses licensed	24

INDUSTRIAL COMMISSION. Report for last fiscal year:

Accidents reported during the year	4,888
Compensation paid	\$208,490.00
Medical relief	\$ 93,104.91
Fatal accidents	31
Death claims settled	6
Death claims where only burial expenses paid.....	9
Death claims disputed and pending	2

SECURITIES COMMISSION. Summary of the work of the department for the fiscal year ended June 30, 1926:

Applications for authority considered	61
Permits granted	58
Permits withdrawn	2
Applications pending	4
Permits cancelled	31
Agents licensed	92

Seven hundred eighty-nine thousand, nine hundred twenty-four (\$789,924.00) dollars worth of securities were registered with the Commission as sold within this State during the year under the provisions of Chapter 270, Laws of 1925.

FREE LIBRARY COMMISSION. Statement of work for fiscal year:

Books in service	19,127
------------------------	--------

Traveling libraries loaned:

Community libraries	118
School groups	334
Total	452

Packages of reference material sent by mail..... 2,362

Report of South Dakota Libraries:

County libraries	4
Tax supported municipal libraries	50
Subscription libraries	20
Institutional libraries	17

VITAL STATISTICS. Data for calendar year 1925:

Births	14,879
Deaths	5,556
Marriages	6,589
Divorces	721
Illegitimate births	219
Final citizenship certificates granted	465

INSURANCE DEPARTMENT. Statement of insurance business in the State of South Dakota, for the year ended December 31st, 1925:

Life Insurance	Fire and Tornado	Accident Frat. and Misc.	Total
Risks Written—			
\$53,435,462.01	\$537,418,512.50	\$19,283,812.24	\$610,137,786.75
Premiums Received—			
7,547,791.58	6,827,905.54	3,513,174.36	17,888,871.48
Losses Incurred—			
1,218,877.92	3,288,850.10	(*)	4,507,728.02

(*) Not reported.

Financial Statement for the year ended June 30, 1926:

	Disbursements	Receipts
Balance on hand July 1, 1925.....		\$ 12,435.79
Fees collected during year.....		41,019.75
Taxes collected during year.....		344,641.91
Salary commissioner, deputy, examiner, clerk hire	\$ 12,420.00	
Printing, office supplies and miscellaneous..	2,036.59	
Examination expenses and per diem.....	856.58	

Fees transferred to General Fund June 30, 1926	25,000.00	
Taxes transferred to State Treas. on receipt of same	344,641.91	
Balance on hand June 30, 1926.....	13,142.27	
	<hr/>	
	\$ 398,097.45	\$ 398,097.45

STATE BONDING DEPARTMENT. Statement for the fiscal year ended June 30, 1926:

Receipts—

Original appropriation		\$ 25,000.00
Premiums collected prior to June 30, 1925.....	\$ 53,280.13	
Premiums collected for fiscal year ended June 30, 1926	22,010.17	75,290.30
	<hr/>	<hr/>
Total		\$100,290.30

Disbursements—

Losses paid prior to June 30, 1925.....	\$ 6,535.77	
Losses paid for fiscal year ended June 30, 1926..	25,715.15	
	<hr/>	
Total losses	\$ 32,250.92	
Office expense prior to June 30, 1926.....	905.20	
Office expense for fiscal year	6.42	
	<hr/>	
Total office expense	\$ 911.62	
Total disbursements to June 30, 1926.....		\$ 33,162.54
		<hr/>
Balance in fund June 30, 1926.....		\$ 67,127.76

HAIL INSURANCE DEPARTMENT. Financial statement for the fiscal year ended June 30, 1926:

Receipts—

Balance on hand July 1st, 1925.....	\$ 24,478.46
Premium Tax Collected	738,117.51
Interest and Penalty	35,979.96
Refund	70.59
Premium anticipation warrants	500,000.00
Loans from sinking funds	900,000.00
Premiums deducted from losses paid.....	142,834.19
Cancelled warrants	755.33

Disbursements—		
Losses paid 1923	\$	200.45
Losses paid 1924		9,716.53
Losses paid 1925		572,991.48
Adjusters' expense and per diem		21,224.31
Expense of Administration—		
Salaries	\$	9,797.20
Stationery and Printing		3,903.15
Fixtures		60.60
Postage		384.33
Express		254.53
Telegraph		13.93
Telephone	100.20	14,513.94
Premium anticipation warrants paid		1,000,000.00
Loans from sinking funds paid		400,000.00
Interest		25,146.42
Refunds of premium tax		5,660.59
Miscellaneous		780.65
Balance on hand June 30, 1926		292,001.67
		<hr/>
		\$2,342,236.04
Unpaid Premium tax	\$355,229.69	\$2,342,236.04
Cash balance	292,001.67	
		<hr/>
		\$647,231.36
Borrowed funds	600,000.00	
		<hr/>
Net balance	\$	47,231.36
Season 1925—		
Acres insured		1,313,747
Premium tax	\$	644,779.00
Claims adjusted		4,667
Cost of adjusting per adjustment	\$	4.64
Losses paid	\$	571,012.97

ATTORNEY GENERAL. The nature and quantum of the work of the Attorney General's office during the past fiscal year are in some degree described by the following table. It is of course impossible by reason of diversity of its interests to tabulate all activities in its relation to the public and different departments in which it is active. The office of Attorney General constitutes the legal department for the state and operates also as adviser to department heads and County officials.

Original actions in the supreme court	17
Civil cases on appeal to supreme court	12
Civil cases in circuit courts	93

Civil cases in federal courts	9
Criminal cases on appeal to supreme court	43
Criminal cases in lower courts	11
Cases of assistance to state's attorneys	94
Official opinions rendered	263
Actions in behalf of the banking department, approximately.....	2,500
Foreclosures from July 1, 1925 to June 30, 1926 inclusive, for Rural Credit Board	704

SUPERINTENDENT OF PUBLIC INSTRUCTION. Summary of statistics for the year ended June 30, 1926:

Number of school districts	3,382
Number of schools	5,430
Number of teachers	8,633
Persons of school age	208,017
Number of pupils enrolled in grades	138,166
Number of high school pupils	26,385
Total enrollment	164,551
Number of eighth grade graduates	11,334
Number of four year high school graduates	4,352

Indebtedness—

Outstanding bonds	\$ 6,835,663.00
Outstanding warrants	3,374,261.00
Total	\$10,209,924.00
Total receipts	\$26,677,858.06
Total expenditures	18,436,263.11

Cash in treasury at end of year.....	\$ 8,241,594.95
Per capita cost public schools based on number of persons of school age	\$ 88.63
Per capita cost public schools based on number pupils en- rolled	\$ 112.04
Per capita cost public schools based on state's population (1925 census)	\$ 27.06
Average length of term in days	172

DEPARTMENT OF FINANCE. Division of Purchasing and Printing. Purchases, including direct purchases made by institutions against contracts and authorizations for last fiscal year:

Printing, stationery and school supplies	\$ 127,613.44
Postage	47,099.58
Furniture and fixtures	89,779.52
Machinery and equipment	113,983.06

Building materials	242,640.50
Fuel	156,624.89
Foodstuffs	242,554.39
Clothing	49,578.41
Automobiles	26,346.52
Auto fuel, tires and accessories	72,689.34
Repairs	91,103.53
Maintenance	399,770.11
Feeds	33,880.03
House furnishings	63,102.12
Miscellaneous	79,681.02
Drugs, laboratory and chemical supplies	225,028.72
Grand total	\$2,061,475.18

PUBLIC PRINTING. Statement for fiscal year ended June 30, 1926:	
Unexpended balance, July 1, 1925.....	\$28,214.68
Expended to June 30, 1926	\$11,285.76
Balance July 1, 1926	16,928.92
	<hr/>
	\$28,214.68 \$28,214.68

RURAL CREDIT MELEE. An intermingling of a business enterprise with politics and deflation has resulted in a condition which expert accountants, investigating committees, and Interim Commissioners have not yet clearly analyzed for the pondering layman who seeks enlightenment. For instance:

On June 30, 1926 a statement was issued by the Rural Credit Board showing:

Total assets	\$43,299,694.74
Total liabilities	46,063,247.95
Assets less than liabilities	\$ 2,763,553.21

And on the same date John B. Hanten, Interim Commissioner, reported a deficit of \$3,740,695.50 of which \$2,738,672.16 was chargeable to operating loss.

RURAL CREDIT BOARD. Daily statement for June 30, 1926:

Resources—

Farm loans net amount	\$36,391,536.26
Interest paid on bonds	14,166,000.00
Officers and employees salaries	342,396.16
Legal expenses	14,186.39
Postage and office expenses	33,201.96
Expense of land examination and collections	72,246.77

Furniture and fixtures	28,439.27
Miscellaneous expenses	164,361.45
Cash on hand	2,406,729.66
Balance appropriation (State Treasurer)	131,310.85
Discount on bonds	475,714.75
Real estate	2,818,866.22
Claims	54,220.22
Taxes	1,466,032.26
Interim Commission	22,009.26
Land sale contract	2,560.00
	<hr/>
	\$58,589,811.48

Liabilities—

State appropriation	\$ 300,000.00
Rural credit bonds	45,500,000.00
Accrued interest on bonds	172,889.25
Interest on average daily balance	689,217.31
Interest received on farm loans	10,905,802.93
Interest on delinquent installments	322,316.69
Premium on bonds	171,370.00
Interest on state warrants	6,850.00
Partial payments on installments	185,350.01
Miscellaneous fees	70,495.84
Abstract account	1,746.50
Title account	525.00
Land settlement division	263,247.95
	<hr/>
	\$58,589,811.48

Above statement covers the financial operations of the Board from July 1st, 1917, to June 30th, 1926.

RURAL CREDIT LANDS. On December 1, 1926, the Rural Credit Board had acquired title to 211,374 acres of land at a cost of \$4,210,-420.42.

SOLDIERS' LAND SETTLEMENT BOARD. This board was abolished by the 1925 legislature and its work is being done by the Rural Credit Board. The loans made to ex-service men came from two sources, the Rural Credit and Land Settlement funds. (Chapter 272, 1925 Session Laws).

The following summarizes the work of the board:

Appropriation	\$100,000.00
Bonds sold	\$900,000.00
Soldiers settled on farms	345
Amount loaned by Land Settlement Board	\$708,654.38

DIVISION OF ANIMAL INDUSTRY. Statement for last fiscal year:

Veterinarians licensed	1
Stallions and jacks registered	898
Cattle inspected for scabies	82,071
Cattle dipped for scabies	56,650
Herds under supervision for tuberculosis	6,226
Cattle under supervision for tuberculosis	137,065
Such herds fully accredited	579
Such cattle fully accredited	16,412
Sheep inspected for scabies	435,048
Sheep dipped for scabies	314,100
State indemnity paid	\$20,733.05
Federal indemnity paid on same claim	\$20,733.05

GAME AND FISH DEPARTMENT. Statement for year ended June 30, 1926:

Receipts—

Licenses	\$145,671.00
All other sources	98,562.09
Disbursements	214,978.06

Licenses issued—Resident—

Small game	83,232
Big game	1,009
Trapping	1,620

Non-resident—

Small game	1,188
Big game	43
Fishing	6,946
Deer killed	252

Number of fish planted:

Fry	4,000,000
Adults	29,950
Fingerlings	155,170

Arrests for violation of game laws	293
Fines and costs collected	\$ 6,816.80

RAINFALL. The rainfall for the months, April to August, inclusive, 1926, at representative places has been:

	April	May	June	July	Aug.	Total	Seasonal Same for	
Aberdeen ...	0.52	1.65	0.93	7.01	3.42	13.53	18.79	17.05
Brookings ...	0.13	1.44	3.64	3.14	1.46	9.81	11.44	14.56

Eureka	0.75	2.65	1.18	1.16	2.45	8.19	12.23	11.84
Highmore	0.16	1.96	1.50	2.53	2.09	8.24	10.16	12.85
Huron	0.09	2.77	2.17	3.22	1.49	9.74	7.92	14.93
Lemmon	0.06	....	5.58	3.79	2.25	11.68	11.42	....
Milbank	0.58	3.07	1.73	4.94	5.97	16.29	13.92	15.06
Mitchell	0.23	3.10	3.36	1.65	2.64	10.98	8.91	16.69
Pierre	0.15	3.32	1.86	3.93	0.78	10.04	8.92	14.71
Rapid City	0.32	8.07	3.37	3.09	2.27	17.12	14.78	13.46
Sioux Falls	0.02	3.33	4.14	1.73	4.11	13.33	14.74	17.27
Watertown	0.19	3.58	2.24	2.19	1.25	9.45	14.87	15.64
Winner	0.12	2.22	3.36	0.73	1.85	8.28	9.85	....
Yankton	0.20	2.02	3.18	1.60	4.11	11.11	8.57	17.61

FARM STATISTICS. The following statistics for 1926 were compiled by A. H. Pankow, of the State Department of Agriculture:

Owners of farms	40,893
Renters of farms	34,394
Total acreage in farms	23,740,504
Acres in corn	4,526,823
Acres in oats	2,710,563
Acres in barley	1,173,844
Acres in rye	88,642
Acres in flax	436,050
Acres in winter wheat	56,255
Acres in spring wheat	2,743,144
Acres in spelt	151,135
Acres in sweet clover	166,650
Acres in alfalfa hay	652,760
Acres in other tame hay crops	148,800
Acres in wild hay crops	1,676,269
Acres in potatoes	37,386
Acres tillable land used exclusively for pastures	3,031,182
Bushels of alfalfa seed	56,541
Number of fruit trees of bearing age	317,834
Number of chickens	5,374,205
Number of turkeys	76,343
Number of other poultry	184,884
Number of bee colonies	10,172
Number of dairy cows	460,631
Number of spring calves	437,827
Number of spring colts	23,510
Number of spring pigs	2,467,369
Number of spring lambs	314,928

STATE BRIDGE FUND. Report of State Bridge Fund on October 1, 1926.

Receipts—

Total Tax Collections to September 30, 1926.	\$ 824,994.28
Advanced by Counties, et al:	
Mobridge bridge	\$ 167,200.00
Chamberlain bridge	185,000.00
Pierre bridge	160,000.00
Forest City	182,500.00
Sale of Engr. Shack	150.00
	894,700.00

Disbursements—

	Construction	Eng'r Exp.	Total	
Wheeler	\$ 388,794.03	\$11,290.06	\$ 400,084.09	
Mobridge	179,325.74	5,362.22	184,687.96	
Chamberlain ...	221,115.88	7,094.84	228,210.72	
Forest City	136,105.72	11,785.14	147,890.86	
Pierre	446,093.25	5,753.50	451,846.75	
Miscellaneous ..		617.50	617.50	
	<hr/>	<hr/>	<hr/>	
	\$1,371,434.62	\$41,903.26	\$1,413,337.88	
Balance Sept. 30,				
1926			106,506.40	
			<hr/>	
			\$1,519,844.28	\$1,519,844.28

STATE BRIDGES. The Pierre-Ft. Pierre bridge, the fourth one completed, was opened with appropriate ceremonies on June 28, 1926. The bridge was dedicated to the memory of Stephen Return Riggs, who preached the first Christian sermon in South Dakota at Ft. Pierre, September 20, 1840, and to his sons, Thomas Lawrence and Alfred Longley, who have devoted their lives as missionaries to the Indians in this field.

The Forest City bridge, the fifth and last of the bridges in the state program, is well under way and will be opened to traffic in the spring.

SOLDIERS AND SAILORS MEMORIAL FUND. On November 1, 1926, the State Treasurer reported that there was \$63,734.94 available for the erection of a Soldiers and Sailors Memorial building as contemplated by Chapter 323, Session Laws of 1919. There are, in addition, claims against closed banks amounting to \$13,122.35. Approximately \$24,000 raised by counties for the Memorial under the provision of Chapter 41, Laws of the Special Session of 1920, is payable to the State Treasurer on demand.

OIL PROSPECTS. The Standing Butte well in Stanley county is down 3500 feet; at this depth the drill is penetrating a stratum that smacks of oil. This project is being financed by men who are making an earnest effort to determine whether or not there is oil in South Dakota. Other projects are being developed but none of them match the progress at Standing Butte.

SECRETARY OF STATE. Statistics for the year ended June 30, 1926:

Domestic corporations chartered	412
Foreign corporations licensed	62
Banks chartered	5
Notary public commissions issued	930
Fees from notary public commissions	\$ 2,325.00
Fees from all sources	\$32,901.42

Motor Vehicle Department—Jan. 1 to Dec. 21, 1926—

Automobiles licensed	153,748
Trucks licensed	14,376
Motorcycles licensed	248
Dealers licensed	1,052

STATE DEBT. On June 30, 1926, the state debt consisted of the following bond issues:

To be paid from taxation—

Highway bonds	\$ 5,350,000.00
Soldiers' bonus bonds	6,000,000.00
Cement plant bonds	2,000,000.00
Soldiers' land settlement bonds	800,000.00
	<hr/>
	\$14,150,000.00

Guaranteed by state credit—

Rural Credit Bonds	\$45,500,000.00
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STATE TREASURY:

Cash balance July 1, 1925	\$ 4,837,554.17
Receipts	27,637,806.72
Disbursements	26,073,254.18
Cash balance June 30, 1926	6,402,106.71

MARKETINGS. This table shows the amount of South Dakota products actually marketed beyond the state lines during the year ended June 30, 1926 as reported by the nine railroads operating within the state. The values are based upon the estimated farm prices in South Dakota as given in the December, 1925, Supplement of Crops and Markets published by the United States Department of Agriculture.

Wheat, 30,318,984 bushels	\$ 38,656,694.60
Corn, 2,943,152 bushels	1,765,891.20
Oats, 28,782,182 bushels	8,059,010.96
Barley, 4,621,255 bushels	2,371,989.85
Rye, 752,930 bushels	514,463.10
Flax, 1,117,790 bushels	2,515,027.40
Potatoes, 275,925 bushels	496,665.00
Hay, 20,718 tons	196,811.00
Cattle, 619,187,167 pounds	44,901,069.70
Hogs, 433,073,065 pounds	44,606,525.69
Sheep, 32,977,880	3,297,788.00
Horses, 42,653 head	2,857,751.00
All other products, estimated	35,273,064.50

Total marketed beyond state line\$185,512,752.00

Same for 1925 200,830,392.00

Decrease for the year\$ 15,317,640.00

PRODUCTIONS. The following table of quantities and values for cereals, potatoes and hay is supplied by the U. S. Department of Agriculture through the Division of Crop and Livestock Estimates, O. L. Dawson, statistician, Brookings, S. D. The figures for livestock are the actual marketings beyond state lines. Dairy and poultry products are estimated. Mineral production is estimated by Otto Ellerman, state mine inspector.

Corn, 79,794,000 bushels	\$ 46,281,000.00
Winter wheat, 525,000 bushels	604,000.00
Spring wheat, 10,315,000 bushels	12,172,000.00
Oats, 23,213,000 bushels	8,357,000.00
Barley, 7,858,000 bushels	4,086,000.00
Rye, 546,000 bushels	399,000.00
Flaxseed, 2,755,000 bushels	5,235,000.00
Buckwheat, 126,000 bushels	101,000.00
Potatoes, 3,300,000 bushels	5,247,000.00
Tame hay, 1,364,000 tons	17,732,000.00
Wild hay, 926,000 tons	9,723,000.00
Minerals, estimated	6,710,000.00
Livestock marketed outside the state, 1,129,078,012 lbs....	95,663,134.00
Livestock marketed in the state	3,000,000.00
Pelts, furs, and wool	3,000,000.00
Gardens, fruits, sugar beets	4,000,000.00
Poultry products	21,000,000.00
Dairy products	25,000,000.00

Total for 1926\$268,310,134.00

Total for 1925\$326,730,610.00

Decrease for year\$ 58,420,476.00

NECROLOGY. Death has exacted the annual toll. During 1926 passing bells rang for:

Abel, E. L., banker of Bridgewater and Huron; lieutenant governor, 1913-14; at Long Beach, Calif., Dec. 5, aged 66.

Ackley, George, prominent banker of Beresford, Sioux Falls, May 27, aged 59.

Amsden, Mrs. C. S., pioneer of Milbank, at Webster, May 12, aged 66.

Basford, Orville S., pioneer of Redfield, Oct. 27, aged 78.

Baskerville, Mrs. Harriet F., civic and social leader of Watertown, at Rochester, Minn., Feb. 13.

Burns, Thomas C., postmaster at Mitchell, Sept. 1, 1926.

Campbell, A. W., pioneer lawyer and jurist of Aberdeen, December 4, aged 70.

Carleton, Jerry, pioneer of Sioux Falls, Clerk of U. S. District Court, 1919-26, Feb. 27, aged 60.

Crouch, Dr. James A., prominent Black Hills physician, veteran of the Spanish-American war, at Belle Fourche, Nov. 23, aged 50.

Cummings, L. E., pioneer lawyer, prominent Democrat, at Pierre, Jan. 18, 1926, aged 69.

Curry, Michael, pioneer farmer, member of territorial legislature from Union county, at Sioux City, May 26, aged 78.

Ellerman, Herman, pioneer leader of Dakota Territory, former collector of Internal Revenue for North and South Dakota, life member State Historical Society, at Yankton, Feb. 12, aged 75.

Erickson, Emil, pioneer farmer, Yankton County, Member state legislature 1917-19, Sept. 2, aged 64.

Flynn, Rt. Rev. Msgr. Thomas A., priest at Madison for 45 years, Sept. 4, aged 72.

Fox, Col. C. A. B., veteran of Civil War, prominent G. A. R. member, at Sioux Falls, April 19, aged 80.

Freeman, Dr. John W., pioneer physician of Black Hills, at Lead, Feb. 2, aged 72.

Germain, William A., pioneer physician of Sioux Falls, July 5, aged 71.

Goff, J. B., editor, pioneer Haakon County, Sept. 3, aged 48.

Haas, Jennie Mae Pickering (Mrs. C. C.), educator, author, homemaker, at Whitewood, Sept. 7, aged 52.

Hackett, Charles F., pioneer newspaper man of Parker, at Parker, Oct. 20, aged 73.

House, J. F., Supt. of U. S. Indian school at Flandreau; in Indian service since 1893; Sept. 17, aged 61.

Irwin, E. F., pioneer Homestake mining man, Feb. 4, at Lead, aged 60.

Jacobson, Mrs. Mary, prominent club woman, at Wakonda, April 3, aged 51.

Jolley, John L., pioneer lawyer, former congressman, at Vermillion, Dec. 13, aged 86.

Kelley, William F., pioneer farmer, S. D. legislator, 1891-93, Dec. 15, aged 76.

Kirby, Joe, pioneer lawyer, at Sioux Falls, Feb. 8, aged 62.

Lommen, Dean Christian Peter, professor at University of South Dakota for 35 years, Austin, Minn., July 7, aged 61.

Loomis, Ashmun, pioneer business man of Redfield; state senator 1921-23, March 25, aged 74.

Mayhew, Mrs. H. E., wife of former state auditor, at Letcher, May 10, aged 85.

Muller, Mrs. Alice B., prominent lawyer and welfare worker, at Sioux Falls, April 13.

Nelson, Soren C., pioneer farmer, former legislator, Viborg, July 7, aged 74.

Neumayr, B. H., prominent druggist, member State Board of Pharmacy, Vermillion, Dec. 5, aged 57.

Peck, Frank S., highway engineer, Deadwood, Sept. 17, aged 65.

Peirce, Ellis T., Black Hills pioneer, Hot Springs, Aug. 13, aged 80.

Perkins, Mrs. Esther Lewis, wife of State Senator D. R. Perkins, influential civic worker in Perkins County, at Bison, February 27, aged 44.

Pettigrew, Richard Franklin, pioneer of Dakota Territory, U. S. Senator from South Dakota, 1889-1901. Life member State Historical Society, Sioux Falls, Oct. 5, aged 78.

Pinard, Dr. P. H., pioneer physician of Jefferson, at Sioux City, Ia., Sept. 27, aged 76.

Quickstad, Nels E., prominent pioneer farmer, legislator in 1911-1913, Toronto, South Dakota, Nov. 30, aged 71.

Roberts, A. C., pioneer farmer and lawyer of Day Co., former legislator, Speaker of House, 1917. Pierpont, Dec. 18, aged 73.

Rommereim, A. J., pioneer legislator of Lincoln county, Beresford, Feb. 1, aged 74.

Ruden, Gilbert I., educator, rural school inspector, State Dept. of Education, state representative, 1917-19, Pierre, July 11, aged 41.

Schlosser, George, pioneer newspaper man, Sioux Falls, Nov. 15, aged 69.

Scott, Daniel, pioneer newspaper man, at Sioux Falls, Feb. 11, aged 84.

Scott, Leo. H., former professor at Yankton College, Jacksonville, Ill., Sept. 12.

Spangler, Timon J., prominent lawyer, Mitchell, Nov. 23, aged 57.

Stout, Prof. L. A., prominent educator; registrar Dakota Wesleyan University, 1898-1926, Mitchell, Jan. 31, aged 69.

Stroup, Fred J., prominent pioneer farmer Codington County, legislator in 1911, Watertown, June 28, aged 72.

Swanson, Ole A., former legislator, Aberdeen, Sept. 29, aged 68.

Wilson, Stephen Eugene, pioneer educator and lawyer, state senator, 1895, at Hot Springs, Sept. 10, aged 74.

Wright, B. F., veteran of Civil War, former legislator, Flandreau, Aug. 13, aged 82.

Zink, William, prominent business man, Wessington Springs, legislator in 1907, Dec. 27, aged 58.

Zoske, Alfred, banker, former member Rural Credit Board, Denver, Feb. 16.

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